May 12, 2022

Via Email & First-Class Mail
Karl Frisch
American Oversight
1030 15th St. NW, Ste. B255
Washington, DC 20005

Dear Mr. Frisch:

This letter reflects the second and final phase of our response to the Virginia FOIA request that our office received on March 28, 2022 for the following records dated January 15, 2022 through the date the search was conducted (i.e., March 31, 2022):

> "All email communications (including any email messages, attachments, or calendar invitations) sent by any of the Department of Education individuals below containing any of the key terms, also listed below:
>
> Department of Education Individuals
>
> a) Superintendent of Public Instruction Jillian Balow
>
> b) Assistant Superintendent of Public Instruction Elizabeth Schultz
>
> c) Chief of Staff Richard Shanor
>
> d) Senior Advisor to the Superintendent Jon Russell
>
> e) Chief Diversity, Opportunity and Inclusion Officer Dr. Rosa Atkins
>
> f) Office of Policy Director Dr. Leslie Sale
>
> Key terms
>
> a. helpeducation@governor.virginia.gov
>
> b. "tip line"
>
> c. Tipline
>
> d. CRT
>
> e. "Critical Race Theory"
>
> f. "Executive Order"
>
> g. "Mask Mandate"
>
> h. Divisive
>
> i. Racist
>
> j. "Parents Defending Education"
>
> k. PDE

l. “Parents Against Critical Theory”

m. PACT

n. “Fight for Schools”

o. FFS

p. “Virginia Project”

Following an extensive email search and subsequent review of the email accounts for the Superintendent of Public Instruction Jillian Balow, the Assistant Superintendent of Public Instruction Elizabeth Schultz, and the Chief of Staff Richard Shanor, we identified a total of 622 responsive email communications that contained one or more of the aforementioned requested “key terms” between January 15, 2022 through March 31, 2022.

- With respect to these remaining three email accounts, in accordance with Va. Code § 2.2-3705.7(2), please be advised that 238 email communications (representing a total of 425 pages and 399 attachments) are being withheld in their entirety, and 22 email communications have been partially redacted as working papers and correspondence of the Office of the Governor. Due to email exchanges occurring between the VDOE individuals you included in your request, please note that some of these emails and attachments are duplicates. A detailed summary of the email communications that are being withheld in their entirety under this exemption is as follows:
    - 67 of these withheld emails contain correspondence with the Office of the Governor concerning agency administrative processes, which constitutes 178 pages and 251 attachments.
    - 114 of these withheld emails relate to communications that were prepared by or for the personal or deliberative use of the Office of the Governor regarding Executive Order One, which constitutes 172 pages and 114 attachments.
    - 38 of these withheld emails relate to communications that were prepared by or for the personal or deliberative use of the Office of the Governor with respect to the Governor’s Executive Actions, which constitutes 47 pages and 20 attachments.
    - 19 of these withheld email communications relate to Legislative Action Summaries and Enrolled Bill Reviews that were prepared for the personal or deliberative use of the Office of the Governor, which constitutes 28 pages and 14 attachments.
- Pursuant to Va. Code § 2.2-3705.1(2), please be advised that 119 of these responsive email communications (a total of 235 pages, with 52 attachments) are protected by attorney-client privilege and are therefore being withheld in their entirety in accordance with). An additional 19 email communications have been partially redacted as attorney-client privileged communications.
- In accordance with Va. Code § 2.2-3705.1(1), please be advised that seven (7) of these responsive email communications contain personnel information throughout the entire document and are thus being withheld in their entirety, which constitutes a total of 13 pages and 24 attachments.

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- Lastly, four (4) email communications have been partially redacted in accordance with the Family Educational Rights and Privacy Act (FERPA, see 20 U.S.C. § 1232(g)), and one (1) email communication has been partially redacted in accordance with FERPA and the Health Insurance Portability and Accountability Act (see 42 U.S.C. § 1320(d)).
- The remaining 212 responsive email communications are being provided in full.

Due to the volume of the responsive emails identified for the final phase of our response to this request, our office is providing the above delineated records on a flash drive that will be sent via U.S.P.S. First-Class Mail. Our office is still drafting the final invoice for processing this request, which will be provided via email as soon as possible.

Best regards,

Rebecca Westfall

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From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 8:35:10 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc: jon.russell@doe.virginia.gov
Subject: 'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

https://wjla.com/news/local/virginia-governor-glenn-youngkin-republican-public-school-superintendents-133-letter-tip-line-education-agenda-divisive-discriminatory-interim-report-critical-race-theory-curriculums-civil-rights-act-ben-kiser

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From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 2/15/2022 10:05:13 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc:
Subject: Article: WaPo

Of interest

https://www.washingtonpost.com/education/2022/02/14/critical-race-theory-teachers-fear-laws/

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From: dickyshanor1 <dickyshanor@gmail.com>
Sent: 1/24/2022 3:45:16 PM
To: dicky.shanor@doe.virginia.gov
Cc:
Subject: Fwd: Agency 201 DOE Central Office GF Project Code Budgets for FY22

Attachments: FY22 Agency 201 GF Project Code Budgets 11.4.21.pdf ,Administative Manual - updated Nov 17 2021.docx

---

---------- Forwarded message ---------
From: **Lawson, Carol Ann** <carolann.lawson@doe.virginia.gov>
Date: Mon, Jan 17, 2022 at 3:40 PM
Subject: Fwd: Agency 201 DOE Central Office GF Project Code Budgets for FY22
To: <dickyshanor@gmail.com>

Dicky,
I wanted to follow up on a few of our conversations from earlier:

- The attached chart should provide some budget information as of November
- Our agency authorized position level is 491 and we have 462 FTE.
  - I'll have the org charts ready and printed tomorrow and can meet whenever is convenient for you.
- Regarding contractors - Kent Dickey should be able to help - kent.dickey@doe.virginia.gov and his cell is 804-512-9913. However, you can find an overview of contracts and other procurement items starting on p 100 of our Administrative Manual, attached. Thought that might be something good for you to have, regardless.

Please let me know if you need anything in the meantime.
Thank you,
Carol Ann

---------- Forwarded message ---------
From: **Dickey, Kent** <kent.dickey@doe.virginia.gov>
Date: Thu, Nov 4, 2021 at 5:00 PM
Subject: Agency 201 DOE Central Office GF Project Code Budgets for FY22
To: DOE - LEADERSHIP TEAM (DOE) <leadershipteam@doe.virginia.gov>

Now that the central accounts funding for the 5% pay increase and fringe benefit increases for FY22 have been transferred to DOE by DPB, the remaining GF project code budgets have now been loaded to Oracle. The attached listing shows all budgets loaded per the current DOE GF budget appropriation. Let me know if you have any questions. Kent

--
Kent C. Dickey
Deputy Superintendent of Budget, Finance, and Operations
Virginia Department of Education
(804) 225-2025
(804) 512-9913 (cell)

--
Carol Ann Lawson
Director of Human Capital
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120
Phone - (804) 225-2810

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ADMINISTRATIVE MANUAL

Updated November 2021

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SECTION 1.0 Introduction

1.1 A MESSAGE TO EMPLOYEES OF THE DEPARTMENT OF EDUCATION

This *Administrative Manual* provides information about a variety of responsibilities of employees and divisions in the Department of Education (VDOE – aka "the agency"), ranging from the preparation of items for the Board of Education (BOE – aka "Board") agenda to purchase of office supplies.

Each employee of the agency is expected to become familiar with the manual and its contents. The policies and procedures included in the manual must be followed as employees carry out their responsibilities in the day-to-day operation of the agency. In addition to the policies and procedures included in this manual, each employee is responsible for becoming familiar with the Human Resource Policy Manual located at the website of the Department of Human Resource Management (DHRM).

Directors, through their assistant superintendents, are responsible for informing the Superintendent's Office of changes that may be required. Proposed changes to the manual are to be clearly indicated and routed to the Superintendent's Office using the Administrative Manual routing slip located on the I:\Drive\FORMS\Superintendent's Forms\Routing Slips. The Superintendent's Office is responsible for final proofing, approval, and updating the manual.

If you have questions concerning changes or the contents of the manual, please contact the Superintendent's Office.

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SECTION 2.0 Administration

2.1 AUDIT

2.1.1 Internal Controls/Audit

Internal control is broadly defined as a process, affected by an entity's management and other personnel, to provide reasonable assurance for achieving effective and efficient operations, reliability of financial reporting, and compliance with applicable laws and regulations. The Department of Education's Office of Business and Risk Management is an integral part of the internal control system. This office monitors and evaluates internal controls as part of the agency's annual risk assessment (RA) program. This program will be carried out pursuant to the Department of Accounts' Directive for Agency Risk Management and Internal Control Standards (ARMICS).

2.1.2 Audits of Department of Education Program Areas by External Agencies

The Department of Education is required to report the results of all external audits to the Auditor of Public Accounts Office. This requirement also applies to program audits performed by representatives of federal agencies. To comply with this requirement, both the Office of Finance and the Office of Business and Risk Management must be notified of audits scheduled for any program area in the Department of Education. The Office of Business and Risk Management must be informed as soon as a program area is notified of a scheduled audit. Such notice will allow the Office of Business and Risk Management to ensure that reporting requirements are met, and also may save time and work for all concerned. Federal agencies may be able to rely on work that the Office of Business and Risk Management has completed and reduce the scope of their examinations.

2.1.3 Reporting Fraudulent Transactions

2.1.3.1 Reporting Actions

When a fraudulent transaction is suspected, the individual making the observation is responsible for notifying the Office of Business and Risk Management or the State Fraud, Waste, and Abuse Hotline (Section 2.1.3.2) immediately. The Office of Business and Risk Management will conduct a preliminary investigation.

The Director of Business and Risk Management will report and advise the Superintendent of Public Instruction concerning the incident.

The Director of Business and Risk Management also must notify the Auditor of Public Accounts, Office of the State Inspector General, and the Department of State Police if the

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investigation indicates the possibility that a fraudulent transaction has occurred in a state executive branch agency or institution.

NOTE: Willful failure to notify proper authorities of a suspected fraudulent transaction is required under the *Code of Virginia*, § 30-138, and constitutes a Class Three misdemeanor.

2.1.3.2 State Fraud, Waste, and Abuse Hotline

The State Fraud, Waste, and Abuse Hotline is administered through the Office of the State Inspector General (OSIG). The State Fraud, Waste, and Abuse Hotline (formerly known as the State Employee Fraud, Waste, and Abuse Hotline) was previously available only to state employees. Due to its usefulness in helping to ensure efficiency in state government, the hotline is available to all citizens of the Commonwealth. OSIG receives telephone calls through a toll-free telephone line. State employees are obligated and citizens are encouraged to report instances of fraud, waste, and abuse. If an employee is uncomfortable reporting instances of fraud, waste or abuse to internal agency management, the hotline may be called. All calls are confidential, anonymous, non-traceable, and toll-free.

OSIG carries out this responsibility for the hotline through the network of agency internal auditors and designated agency hotline coordinators. At VDOE, these calls are referred to the Office of Business and Risk Management.

Callers using the State Fraud, Waste, and Abuse Hotline must be anonymous. Under no circumstances should anyone attempt to identify any person who may call the hotline. Contact information for the hotline:

Toll-free telephone number is (800) 723-1615 (no voicemail or caller ID)
Fax: (804) 371-0165
E-mail: Covhotline@OSIG.Virginia.gov
Mailing address: Office of the State Inspector General
Attn: State Fraud, Waste, and Abuse Hotline
101 North 14th Street, 7th Floor
Richmond, Virginia 23219

Under no circumstances shall anyone directly or indirectly interfere with a Hotline investigation, or induce or coerce others not to cooperate with investigators. Any attempt to directly or indirectly interfere with a Hotline investigation is also prohibited and is subject to appropriate disciplinary action under the Standards of Conduct promulgated by the Department of Human Resource Management.

Under no circumstances shall anyone, directly or indirectly, attempt to identify or retaliate against someone suspected of calling or cooperating with the Hotline. This includes threatening to effect any reprisal; or taking, or directing others to take, or recommending,

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processing, or approving, any personnel action, or any other retaliatory actions, or attempts to do the same. Any such actions will be subject to appropriate disciplinary actions under the Standards of Conduct.

The Governor's Chief of Staff shall be responsible for addressing any instances of alleged interference with an investigation or retaliation against employees using the Hotline.

2.1.3.3 Definitions

Fraud – The intentional deception perpetrated by an individual or individuals, or an organization or organizations, either internal or external to state government, which could result in a tangible or intangible benefit to themselves, others, or the Commonwealth or could cause detriment to others or to the Commonwealth.

Fraud includes a false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of information that should have been disclosed, which deceives and is intended to deceive.

Fraudulent transactions ordinarily involve an action intended to obtain an unauthorized personal benefit. Fraudulent transactions may include, but are not limited to, the following:

- Diverting cash or property for personal use;
- Falsification of time and attendance records;
- Use of Department of Education property for other than state business;
- Bribery/gratuity;
- Procurement violations; and
- Falsification of travel reimbursement vouchers.

Waste – The intentional or unintentional, thoughtless or careless expenditure, consumption, mismanagement, use, or squandering of Commonwealth resources to the detriment or potential detriment of the Commonwealth. Waste includes incurring unnecessary costs as a result of inefficient or ineffective practices, systems, or controls.

Abuse – Excessive or improper use of resources, or to employ something in a manner contrary to the natural or legal rules for its use. The intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of Commonwealth resources. Extravagant or excessive abuse of a person's position or authority. Abuse can occur in financial or non-financial settings.

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SECTION 2.0 Administration

2.2 BOARD of EDUCATION ITEMS

2.2.1 Preparation of the Agenda for the Board of Education

Approximately four weeks before each meeting of the Board of Education, the Office of Board Relations sends the schedule for preparing, submitting, and reviewing the Board agenda items and committee materials.

The following procedure should be followed in preparing for a Board meeting:

- Assistant superintendents or directors submit titles for proposed agenda items. Titles should be submitted as they are expected to appear on the final agenda.

- Assistant superintendents or directors submit draft Board items electronically (WORD format), including the boilerplate and attachments for each item to the Office of Board Relations. Committee materials are submitted along with Board items but do not require a boilerplate. Templates for Board items, the full schedule of deadlines, and additional procedures for submitting Board items can be found on the I:\Drive\FORMS\Board Agenda Forms.

- The applicable assistant superintendent is responsible for ensuring that all items submitted by his/her department are complete, accurate and accessible. The materials are to include all necessary attachments and shall be free of typographical and formatting errors.

- The Office of Board Relations will coordinate the distribution of all Board materials to members and the public. All materials will be posted on the VDOE's website.

- Meeting materials are sent to Board members at least one week prior to the scheduled Board meeting.

2.2.3 Promulgating Regulations

The Board of Education is authorized under §22.1-16 of the *Code of Virginia* (1950), as amended, to "promulgate such regulations as may be necessary to carry out its powers and duties . . . ."

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2.2.3.1 Promulgating Regulations in Accordance with the Administrative Process Act (APA) and Executive Orders

The Administrative Process Act (APA) governs the promulgation, amending, and repealing of regulations by state governmental agencies [See: §§2.2-4000 through 2.2-4032 of the *Code of Virginia*.] The Governor's office may, through executive order or memorandum, establish additional requirements that must be followed when promulgating regulations.

The assistant superintendent who has been assigned the primary responsibility for a regulation should ensure that it is consistent with state and federal laws, Board of Education policies, and other applicable state and federal regulations. If changes are required by revisions in statutes, regulations, or Board policies, the regulation should be amended in accordance with the procedures set forth in the APA and executive order. The agency shall determine whether or not any abbreviated means for amending regulations, as permitted by the APA, are applicable.

Regulations cannot be amended by Superintendent's Memoranda. If amendments are necessary, then the issue shall be brought to the attention of the superintendent for discussion with the Board.

The Superintendent of Public Instruction may appoint a staff member as the agency's regulatory coordinator. The Director of Board Relations is currently the regulatory coordinator for the VDOE. The regulatory coordinator will work with agency personnel to assist in procedures for promulgating or amending a regulation of the Board of Education.

The sections of the *Code of Virginia* listed below outline the steps to be followed in promulgating regulations in accordance with the APA. Charts outlining the regulatory process may be found on the Town Hall website.

The VDOE regulatory coordinator will provide a complete checklist of the APA and executive order procedures that must be followed by Department personnel when promulgating, amending, or repealing any Board of Education regulation. Required forms and instructions to complete these procedures are available from the regulatory coordinator and can be found on the I:\Drive\FORMS\Board Agenda Forms\Regulatory Forms.

The VDOE regulatory coordinator should be contacted to determine if there is guidance from the Governor's office addressing the regulatory process that must be followed, including Board procedures, for addressing these requirements.

2.2.3.1.1 Board of Education Approval of the Notice of Intended Regulatory Action - Step 1

The Board of Education must approve the promulgation of any new regulation or

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amendment to any existing regulation and grant the Department of Education permission to carry out the regulation. The assistant superintendent who has primary responsibility for the regulation is responsible for preparing and presenting to the Board an agenda item requesting that the Board approve the Notice of Intended Regulatory Action (NOIRA). The agenda item should include both the Board boilerplate and the completed NOIRA form. The NOIRA must outline the reasons the Board wishes to promulgate a new or revised regulation. In accordance with § 2.2-4007.01 of the APA, the NOIRA must state whether the agency plans to hold a public hearing or hearings on the proposed regulation after it is published. Agencies shall hold public hearings if required by basic law. The assistant superintendent responsible for preparing and presenting the Board agenda item must determine whether basic law requires a public hearing or in the absence of such requirement seek the Board's preferences for holding a public hearing or hearings. The NOIRA form may be found on the Town Hall website.

2.2.3.1.2 Submission of the Notice of Intended Regulatory Action and Public Comment - Step 2

As required by executive order, all regulatory packages are submitted electronically by the agency's regulatory coordinator to the electronic Town Hall system. Prior to providing the Registrar of Regulations with the proposed Notice of Intended Regulatory Action (NOIRA), the VDOE must submit, via the Town Hall, the NOIRA form to the Department of Planning and Budget (DPB). Executive Order No. 14 (2018) gives DPB 14 days to review the NOIRA. Following DPB review and approval, the NOIRA is forwarded to the Secretary of Education and to the Governor for approval. The Secretary of Education has 14 days to review the NOIRA before forwarding it on to the Governor. The Governor has no deadline for review.

Approval of the NOIRA by the Secretary of Education and the Governor must be obtained prior to submission of the regulation to the Registrar.

Within 14 days of the Governor's review and approval the NOIRA must be forwarded to the *Virginia Register of Regulations* via the Town Hall.

The Notice of Intended Regulatory Action (NOIRA) is printed in the *Virginia Register of Regulations* and a 30-day period is provided to receive comments from the public. The regulatory coordinator informs the agency when the NOIRA appears in the *Virginia Register*. Public comments during the NOIRA may be received on the Town Hall and directly by the agency. All public comments received during the NOIRA's 30-day public comment period must be summarized.

2.2.3.1.3 Development of the Regulations - Step 3

The division of the assistant superintendent who has primary responsibility for the regulation also has primary responsibility for drafting the proposed regulation and presenting the

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regulatory proposal to the Board of Education for its approval. The regulatory coordinator submits the regulatory package to the Regulation Information System (RIS) for the executive review and posting on the Town Hall.

The process of drafting the proposed regulation may begin before the NOIRA 30-day public comment period is complete, but the proposed regulation cannot be submitted prior to the end of the 30-day comment period. In developing the draft regulation, the Board of Education may convene a task force or advisory group to assist in its work, or may ask one or more of its advisory committees or Board committees for comments and recommendations.

If the proposed regulation is either replacing or revising an existing regulation, it is important that the responsible assistant superintendent ensure that a crosswalk document is prepared that lists the following: 1) the existing regulatory section; 2) the proposed regulatory section; and 3) a section for comments indicating what changes have been made. An example of this crosswalk is displayed below:

Current section number	Proposed new section number, if applicable	Section Title	Difference Between Current Regulations and Proposed

Parts of this crosswalk document will eventually become part of the Town Hall document submission.

2.2.3.1.4 First Review of the Regulations by the Board of Education – Step 4

After the NOIRA 30-day public comment period, the assistant superintendent who has primary responsibility for the compliance with the regulation prepares a complete regulatory package with a draft of the proposed regulation to be approved by the Board of Education. A copy of all public comments received during the NOIRA shall be provided to the Board. All versions of the regulations shall be marked "DRAFT" prior to approval by the Board.

The agenda item should include the Board boilerplate with a summary of the major provisions or major changes to the regulation, a full copy of the proposed or revised draft regulation, a summary of all public comments received during the NOIRA 30-day public comment period, and the completed *Proposed Regulation Agency Background Document* required by the Town Hall. The *Proposed Regulation Agency Background Document* may be found at https://townhall.virginia.gov/UM/forms.cfm.

2.2.3.1.5 Submission of the Proposed Regulation and Public Comment - Step 5

Following the Board's approval of the proposed regulation, the Department of Planning and Budget requires that the proposed regulation must be loaded into the Regulation Information

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System (RIS) for posting on the Virginia Regulatory Town Hall. The regulatory coordinator and policy office staff may assist the division drafting the regulation with the RIS.

The regulatory review package must be submitted via the Town Hall to the Office of the Attorney General (OAG) for approval. The OAG has no deadline for approval. Following approval by the Attorney General's Office, the proposed regulation is forwarded to DPB for the economic and policy impact analysis. Executive Order No. 14 (2018) gives DPB 45 days to complete the economic and policy impact analysis. At this time DPB may contact staff who drafted the regulation for any questions or clarifications. After DPB completes the analysis the package is sent to the Secretary of Education and the Governor's Office who must also approve the proposed regulatory package. The Secretary of Education has 14 days to review the package before forwarding it on to the Governor. The Governor has no deadline for review and approval.

The package must be submitted within 14 days of the Governor's approval to the *Virginia Register of Regulations* via the Town Hall and paper copies to the Registrar for publication in the *Virginia Register*. The agency's regulatory coordinator has the forms and instructions necessary to complete these steps.

Proposed regulations are submitted to the Registrar of Regulations and are printed in the *Virginia Register*. A 60-day public comment period is required. A public hearing or hearings may also be required. The Department of Education will solicit public participation in accordance with the Board's Public Participation Guidelines. Public comments may be received on the Town Hall and directly by the agency. All public comments received during the 60-day public comment period must be summarized.

The agency's regulatory coordinator will deliver the package to the Registrar of Regulations with a list of public hearing date(s) and location(s). In accordance with § 2.2-4007.01 of the APA, the NOIRA must state whether the agency plans to hold a public hearing or hearings on the proposed regulation after it is published. Agencies shall hold public hearings if required by basic law. The assistant superintendent responsible for preparing and presenting the Board agenda item must determine whether basic law requires a public hearing or in the absence of such requirement seek the Board's preferences for holding a public hearing or hearings. The appropriate assistant superintendent is responsible for making the local arrangements for the public hearing or hearings after the Board's approval of dates and locations.

Pursuant to § 22.1-17 of the *Code of Virginia* not less than 60 days prior to the adoption of any regulation by the Board of Education affecting school divisions, the Board of Education and Department of Education shall prepare a statement as to the administrative impact of such regulation on school divisions and the projected costs of implementation of and compliance with such regulation and shall send a copy thereof to each division superintendent.

The statement of administrative impact must be submitted to division superintendents via a Superintendent's Memorandum after the Board's approval of the proposed regulation prior to the beginning of the 60-day public comment period. The assistant superintendent's division

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responsible for drafting the proposed regulation is responsible for preparing the Superintendent's Memorandum. If the proposed regulation is amended after the 60-day public comment period, resulting in an additional administrative impact or additional projected costs for school divisions, the assistant superintendent is responsible for preparing an amended administrative impact Superintendent's Memorandum prior to the adoption of the final regulation.

2.2.3.1.6 Adoption of the Regulation by the Board of Education - Step 6

After the 60-day public comment period and the public hearings are completed, the agency may revise its proposal after consideration of the public comments. The text of the final regulation must be approved by the Board of Education.

All public comments received during the NOIRA public comment period and during the 60-day public comment period must be provided to the Board. Consideration of the public comments and adoption of the final regulation should take place no less than 15 days after close of the public comment period pursuant to § 2.2-4013.

§ 2.2-4012 of the *Code of Virginia*, requires that a draft of the agency's summary description of public comment shall be sent by the agency to all public commenters on the proposed regulation at least five days before final adoption of the regulation by the Board of Education. The division responsible for compiling and summarizing the comments must comply with § 2.2-4012.

Persons responsible for compiling the public comments should begin to construct a mailing list and e-mail list of all commenters at the beginning of the NOIRA comment stage in order to ensure that the requirements of § 2.2-4012 will be met at least five days prior to the date that the Board considers the regulation for final review and approval.

The division drafting the regulation must complete the *Final Regulation Agency Background Document*. All public comments received during the 60-day public comment period must be summarized in this document. In addition, the document can be found on the I:\Drive\FORMS\Board Agenda Forms\Regulatory Forms\TH09_ExemptFinal.

The Board agenda item should include the Board boilerplate with a summary of any changes to the regulation in response to public comment, a full copy of the proposed or revised regulation, a summary of all public comments received during the NOIRA 60-day public comment period and the agency's response, and the completed *Final Regulation Agency Background Document.*

2.2.3.1.7 Submission of the Final Regulation – Step 7

The agency shall submit the final regulatory review package via Town Hall to DPB for approval. DPB has 21 days to approve the final regulation. (Note that OAG review prior to DPB approval is only necessary if significant changes are made to the regulation between the

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proposed stage and the final stage.)

The Secretary of Education and the Governor must also approve the final package. The Secretary of Education has seven days to approve the final regulation after receipt from DPB. The Governor has no deadline for approval.

Within 14 days of the Governor's approval, the agency's regulatory coordinator submits the final regulation to the *Virginia Register of Regulations* via the Town Hall with paper copies to the Registrar. The regulatory coordinator also gives notice of the 30-day final adoption period to individuals on the Board's notification list and to public users of the Town Hall.

The final regulation is printed in the *Virginia Register*. After a 30-day adoption period, the regulation goes into effect unless the regulatory process is suspended, pursuant to § 2.2-4007.06 if changes with substantial impact have been made between the proposed and final stages and 25 or more persons request to submit comment; and/or pursuant to § 2.2-4013 the Governor requires the agency to provide an additional 30-day public comment period; and/or pursuant to § 2.2-4014 the legislature files an objection with the Registrar.

The regulatory coordinator provides the agency with a copy of the final regulation as it is printed in the *Virginia Register*. The assistant superintendent responsible for compliance with the regulation must prepare a Superintendent's Memorandum to notify school divisions of the final regulation, and to provide any additional information and technical assistance as may be necessary.

2.2.3.1.8 Records Retention for Regulations

Each responsible assistant superintendent must ensure the appropriate record keeping of all public comments, drafts of the regulations and any other items documenting the agency's process in establishing the regulation. This information must be maintained for five years and then sent to the Library of Virginia for permanent retention pursuant to state record retention requirements. One staff person in each division should be designated as the primary record keeper, with an additional staff member serving as a backup. The designee is responsible for keeping a record of all public comments received in such form that it can be permanently maintained. If comments are received electronically, the designee is responsible for archiving such electronic entries to a shared directory that is appropriately labeled and easily identifiable. If the division chooses to set up an email inbox for public comment, the designee is responsible for the appropriate set up of such function to include: 1) proper archiving procedures to ensure that the emails become permanent records, and 2) the creation of an appropriate name for the mailbox and a mechanism for daily monitoring.

2.2.3.1.9 Fast-Track Rulemaking Process

Section 2.2-4012.1 of the *Code of Virginia* provides an exemption from certain provisions of the Administrative Process Act for Department regulations deemed by the

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Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees.

Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

Other than the exemption permitted by the Administrative Process Act and the associated provisions required to promulgate fast-track regulations, the same processes and procedures outlined in 2.2.3.1.1 through 2.2.3.1.9 apply to fast-track regulations.

2.2.3.1.10 Emergency Regulations

Section 2.2-4011 of the *Code of Virginia* provides for Department adoption of emergency regulations. If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified.

Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulation through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulation, the emergency status ends when the prescribed time limit expires. A chart illustrating the fast-track rulemaking process may also be found on the Town Hall website.

Other than the provisions set forth in the Administrative Process Act and the Executive Order for emergency regulations, as outlined above, the same processes and procedures outlined in 2.2.3.1.1 through 2.2.3.1.9 apply to fast-track regulations.

2.3 COMMUNICATIONS

2.3.1 Communications to School Divisions

2.3.1.1 Superintendent's Memoranda

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SECTION 2.0 Administration

Weekly memoranda from the Superintendent of Public Instruction are the means by which the Virginia Department of Education communicates official information to the commonwealth's school divisions. Superintendent's Memoranda ("Superintendent's Memos") are posted on Fridays.

Any communication addressed to all division superintendents shall be transmitted as a Superintendent's Memoranda or as an e-mail message to the division superintendents (see 2.3.1.2 Other Communication to Division Superintendents). The following items must be communicated by Superintendent's Memoranda:

- Statement of administrative impact
- Announcement of final regulation
- Announcement of public comment
- Requests for information to be returned to the agency (surveys, reports, etc.)

All Superintendent's Memoranda are sent from the Superintendent of Public Instruction. The last paragraph of each memorandum must include the name, telephone number and e-mail address of the individual who should be contacted for clarification or further information.

Superintendent's Memoranda shall include a memorandum number (assigned by the Superintendent's Office).

School divisions must be given a minimum of two weeks to respond to any request for information. This requirement commences on the Monday following the posting of the memorandum on the Department of Education's website.

The detailed procedures to follow for the creation and approval of superintendent's memoranda are located on the common directory under I:\Drive\FORMS\Superintendent Forms\Procedures\Supt's Memos.

2.3.1.2 E-mail Messages to Division Superintendents (Supt's E-mail)

E-mail may be used to communicate information to division superintendents and should be used when an informal format is more appropriate than the use of a Superintendent's Memorandum, or for information that needs to be shared with all or certain superintendents, but does not need to be posted on the Internet. Superintendent's Emails are sent on Mondays and Wednesdays. The following items may be communicated by Superintendent's Email:

- Professional development opportunities
- Data that may be exclusive to certain divisions

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Urgent information that needs to be shared with all division superintendents quickly may be communicated via e-mail, followed by a Superintendent's Memo posted on the website.

All correspondence to division superintendents must be pre-approved by the Superintendent of Public Instruction. Procedures for sending e-mail messages to division superintendents are located on the common directory under SUPT'S EMAILS (I:\Drive\FORMS\Superintendent Forms). Refer to the agency's Style Manual for information on acceptable format and protocols (I:\Drive\Style Manual).

Once the message has been approved, the Superintendent's Office will send the e-mail to the division superintendents with a copy to the contact person.

Be sure that a contact name, e-mail address and telephone number are included in the last paragraph of the e-mail.

2.3.1.3 Other Communications to School Divisions

Frequent contact is required between Department of Education personnel and local education agency personnel other than superintendents.

Responsibility for the content of information provided to school division personnel through means other than Superintendent's Memoranda or Superintendent's Email is assigned to the assistant superintendents of the Department of Education.

Those individuals are responsible for ensuring that communications from their areas of responsibility are accurate and reflect policy established by the Department of Education and the Board of Education.

2.3.1.4 Letters from the Superintendent

Information that is to be shared with certain individual superintendents (and not to all the superintendents as a group), or division staff, other agencies, partners, or stakeholders that require the Superintendent of Public Instruction's signature, shall be prepared by the originating office as a letter from the Superintendent of Public Instruction on the Superintendent's letterhead. After the letter has been approved and signed by the Superintendent, the originating office will mail the original letter, or e-mail a PDF version of the letter (with a copy to the Superintendent of Public Instruction's Office support staff).

2.3.2 Video Production and Conferencing Support

2.3.2.1 Staff Development and Instructional Video Production

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The agency maintains a television studio and multimedia edit facilities. Productions include staff development programs directed to teachers or administrators, classroom segments to showcase exceptional instruction or lectures from education or administration experts.

Video productions may be duplicated on CD or DVD and distributed or delivered directly to schools via Internet streaming video.

The Support Services coordinates staff development and instructional video production, video duplication, video instruction aides for Virtual Virginia courses, and Internet streaming or digital file video delivery.

2.3.2.2 Interactive Video Conferences (Webinars)

The Department of Education has the capability to telecast programs via the Internet. This capability permits Department personnel to conduct live, interactive communications with school division teachers and administrators.

Interactive videoconferences provide for video and audio interaction among a number of sites. These programs permit dialog among participants and easy exchange of information.

Videoconferences are conducted over high-speed Internet, and require that all participating sites have H.323 video over IP videoconferencing equipment. The agency maintains four multipoint conferencing-capable conference rooms.

The Finance and Operations coordinates the scheduling and production of interactive videoconferences in the agency's eleven internal conference rooms. Department personnel interested in scheduling such activities should contact Chris Fillmore.

2.3.2.3 E-Meetings and Webinars

The Department of Education provides an online communication system for live and/or recorded interactive meetings, presentations, or training from a standard web browser. The system features voice over IP (VoIP), two-way video, chat, polling, and other interactions for teachers. Two of the agency's internal conference rooms have the capability for live telecasting and recording of meetings that can be available via the VDOE website for later viewing.

2.3.3 Department Websites

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SECTION 2.0 Administration

The Department of Education's websites (www.doe.virginia.gov, www.virginiaisforlearners.virginia.gov, and www.schoolquality.virginia.gov) serve as communications tools for the Board of Education and the agency staff and as a resource for educators, parents, and the public. The agency offices are encouraged to post on the website various announcements, event schedules, reports, and other information, as well as links to relevant websites of other agencies.

The Office of Equity and Community Engagement is responsible for VDOE (www.virginia.gov) and Virginia is for Learners (www.virginiaisforlearners.virginia.gov) website design and functionality. The agency's departments and offices are responsible for submitting requests to update the VDOE website content.

The Office of Media Relations is responsible for School Quality Profiles (www.schoolquality.virginia.gov). The Director for the Office of Media Relations is the primary contact for School Quality Profiles.

The Office of System Development and Databases supports technical aspects of the websites, maintains network connections and the website computer systems. The Office of System Development and Databases. They also provide support for web functions and services that require special programming and other technical assistance. The primary contact for support is the Director of the Office of System Development and Databases.

2.3.3.1 VDOE Website Policies

The VDOE website is the central web presence for all of the agency's divisions, departments, and offices. Access to the web pages of a division or office should be through www.doe.virginia.gov and not through a direct domain name, unless an exception has been granted by the Director of Equity and Community Engagement and coordinated with the Agency Information Technology Resource (AITR) officer. Refer to 2.3.3.3 for requirements for websites outside of www.doe.virginia.gov.

The assistant superintendent for the requesting division or office must approve initiation of a web section. In approving the establishment of a new web section the assistant superintendent will designate a staff person to be the Office of Primary Responsibility (OPR) for that web section.

Note: Use of the term web section in relation to a division or office refers to that division or presence within the larger Department of Education website; typically it would include several pages, with links to documents, staff contacts, and the like. For the remainder of this document the term office, will apply to any unit within the agency, regardless of its organizational level.

The director of the requesting office may approve posting a new document on an existing web section. Updates to existing web content may be approved by the respective OPR; e.g.,

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regular news releases, weekly legislative reports, or an office calendar of events.

Links to non-Department websites should have clear relevance to the mission of the requesting office. It is the responsibility of the requesting OPR to thoroughly examine the potential linked site to ensure its appropriateness for association with the VDOE website. The OPR is responsible for reviewing the linked site at least quarterly to ensure its continuing relevance and appropriateness.

The director and the OPR for a particular office web section should review their site at least monthly to ensure the timeliness of the material on the site and should submit a web request to remove or revise content.

After consultation and training with the Office of Equity and Community Engagement and the Office of System Development Databases, and with the approval of the OPR's director, the OPR may be authorized to update and make minor changes to the webpages pertaining to the OPR's office. Such changes may include updating a calendar of events or uploading and linking to a simple text document.

All web activities must conform to the Commonwealth of Virginia's Website Standard, Information Technology Accessibility Standard and the Department of Education's Security Policy. Refer to VITA IT Accessibility and Website Standards (https://www.vita.virginia.gov/it-governance/itrm-policies-standards/it-accessibility-and-website-standards/) for more information.

The webmaster (webmaster@doe.virginia.gov) is the first point of contact for submitting web request updates to the VDOE website. Web Requests must be emailed to webmaster@doe.virginia.gov and include all required components. Refer to VDOE Creative Services for web request steps and requirements.

2.3.3.2 Website Accessibility

The Virginia Department of Education is committed to ensuring equal access to information on its website to all people with disabilities. At a minimum, the VDOE website meets W3C's Web Content and Accessibility Guidelines 1.0 (WCAG) Level A and Federal Section 508 web standards while working towards WCAG 2.0 Level AA compliance. All new content posted on the VDOE website after January 18, 2018, must meet W3C's WCAG 2.0 Level AA compliance. This includes: Adobe PDFs, Word documents, PowerPoint presentations, Excel spreadsheets, Images/graphics with textual information. It is the responsibility of the content owner to ensure compliance. Files that are not compliant will not be posted after January 18, 2018.

Questions or concerns should be reported to webmaster@doe.virginia.gov. See VDOE Website Accessibility for resources and additional information about website accessibility.

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2.3.3.3 VDOE Web Content Outside of http://www.doe.virginia.gov

All new updated VDOE web content made available outside of http://www.doe.virginia.gov, must comply with the requirements listed below to ensure that content is accessible to all users and there is consistency among agency websites. When considering the establishment of a separate website for an initiative or event, keep in mind that the agency website search engine will not search websites outside of http://www.doe.virginia.gov.

- Have an exception granted by the Director for the Office of Equity and Community Engagement and the Agency Information Technology Resource (AITR) officer to have the website hosted outside of http://www.doe.virginia.gov.
- Meet W3C WAI's Web Content Accessibility Guidelines 2.0, Level AA conformance for all web content. See VDOE Website Accessibility for resources and additional information about website accessibility**.**
- All pages must be compliant with the appropriate VDOE policies and applicable local, state, and federal laws, including copyright.
- All pages must be compliant with the Commonwealth of Virginia's Web Site Standard, Information Technology Accessibility Standard and the Virginia Department of Education's Security Policy. Refer to VITA IT Accessibility and Website Standards for links to each document and more information. All pages must be compliant with VDOE's privacy statement.
- If a VDOE logo is used, the image file of the logo should be obtained from Graphics Unit to ensure that logo used is a current and properly formatted image.
- The website name, URL, VDOE contact, webmaster and publication date must be entered in the VDOE website inventory tracking sheet located on the I:\Drive\Web Team\vdoe-website-inventory.xlsx.

Required content:

- The website footer must include:
  - A link to the VDOE homepage (http://www.doe.virginia.gov/) with "Virginia Department of Education" spelled out. Include additional links to www.doe.virginia.gov on the webpages as appropriate.
  - Text or an approved icon link stating WAI compliance at WCAG 2 Level AA
  - A link to the website's Privacy Policy. Sample language
  - A link to a contact page that includes an address, phone number and email.
  - The most recent date the site or page was last updated or reviewed.

2.3.4 Social Media

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SECTION 2.0 Administration

Social media are websites and online tools that facilitate collaboration, conversation, and sharing. Increasingly, citizens expect to interact with government agencies through these channels, just as they use social media to communicate with friends, family members and businesses. This section of the Administrative Manual provides guidance for department employees on identifying appropriate uses for social media and for establishing and managing social media accounts.

2.3.4.1 Establishing Social Media Accounts

Considerations for the use of social media include widespread use among target audiences, growing citizen expectations for online interaction with government, and the successful use of social media by the private sector and other government agencies.

Official department social media accounts should be created in the name of the agency rather than in the name of an individual department employee. The following process is established for the review and approval of new social media accounts:

1. Complete the Social Media Account Approval Form available on the I:\Drive\FORMS\Social Media and submit the completed form to the Office of Equity and Community Engagement for review. The application addresses the following topics:

    a. Statement of purpose and alignment with the mission of the agency
    b. Target audience and platform selection
    c. Editorial oversight
    d. Expected frequency of use
    e. Login and password management
    f. Content and comment management
    g. Staffing and resources
    h. Risk management
    i. Records retention and disposition
    j. Review and approval by office and division leadership

2. Consult with the Office of Equity and Community Engagement to ensure appropriate branding and design. The Office of Media Relations also provides training on adherence to the agency's social media policy.
3. Review and approval by the Superintendent of Public Instruction.

The Office of Equity and Community Engagement maintains a list of all department social media accounts and domain names in use, the names of all employee account administrators, and the user name and password for each active account. Units with social media accounts should communicate all changes of employee administrators, user names and/or passwords to the Office of Equity and Community Engagement. Log-in information should be changed immediately whenever a social media account manager or other authorized user leaves

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the employment of the agency.

2.3.4.2 Social Media Content Standards

All communication through department social media accounts should be professional in nature and directly related to the mission and work of the agency. Employees authorized to publish content on department social media accounts should be mindful that inappropriate usage may be grounds for disciplinary action.

In managing department social media accounts, employees should not mix personal opinions, interests and relationships with agency communications objectives. Interactions and relationships with other social media sites must be managed so as not to suggest partisanship on the part of the agency and its employees.

All images posted on department social media platforms must comply with copyright laws. Before posting images of students on social media, employees should secure a signed release form or establish that the image is covered under a division release signed by a parent or guardian.

Social media accounts should supplement — not replace — established, primary channels for sending official communications to school divisions, such as Superintendent's Memoranda and Superintendent's E-mails. Social media should not be the sole means of communicating information and resources to school divisions and the general public; information and resources also should be posted in the appropriate area of the VDOE website. Social media postings should include links directing users to the agency's website for additional information, official forms and documents, and online services.

2.3.4.3 Content Coordination and Consistency

The Office of Equity and Community Engagement is responsible for coordinating social media to ensure that content is consistent and coordinated with the work of the agency and the needs of the Commonwealth's public schools and the communities they serve.

2.3.4.4 Public Comments

Public comments on department social media sites must be reviewed daily by account managers. Department social media sites must include a link to or statement of the agency's official social media comments policy:

The purpose of this site is to inform the public about the role of the Virginia Department of Education in supporting teaching and learning in the commonwealth's public schools. The agency reserves the right to delete comments that contain any of the following:

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- *Vulgar, obscene and/or profane language;*
- *Personal attacks;*
- *Disparaging references to race, creed, color, age, religion, gender, marital status, national origin, political affiliation, physical or intellectual disability, sexual orientation or gender identity;*
- *Spam or links to other sites;*
- *Statements promoting or endorsing commercial products or services;*
- *Statements advocating illegal activity;*
- *Infringements on copyrights or trademarks; and*
- *Protected personally identifiable information.*

Comments posted on this site by members of the public do not reflect the opinions and positions of the Virginia Department of Education or its officers and employees. Questions about this site may be directed to DOE-News@doe.virginia.gov.

Before deleting an offensive or inappropriate public comment, the social media account manager should create and save a screen shot of the relevant department post and the to-be deleted comment. A brief report describing the reason for the deletion should be retained with the screen shot in a manner in keeping with the approved content and comment management plan for the account.

2.3.5 Style Manual (Correspondence Preparation, Speaking Invitations, Proclamations)

The Department of Education's Style Manual is intended to be an easy reference guide for employees to use for consistency of style and clarity of expression.

The contents of the manual are aligned with accepted practices and practices/protocol of the Office of the Governor and the Office of the Secretary of Education. The manual reflects standard English usage and is brief in scope and content.

When preparing items for the superintendent's signature, refer to the Style Manual and the procedures.

2.3.5.1 Governor's Proclamations

Any requests from the Department of Education for a Governor's proclamation are to be routed through the office of the Superintendent of Public Instruction.

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Include the following information in the e-mail message:

- VDOE contact person to receive the proclamation (name, title, e-mail address and telephone number)
- A brief summary and/or background of the event or the recognition requested
- The name and date(s) of the day, week, month, or event to be proclaimed.
- Proposed text for the proclamation, including 4-6 "Whereas" clauses.
- A date when the proclamation is needed.

Requests for a Governor's proclamation must be received in the Superintendent's Office a minimum of 60 days prior to the date of the proclamation.

A Superintendent's Memo should be prepared after the proclamation has been received from the Governor's office, and the Memo should be posted on our website prior to the date of the event to be proclaimed.

2.4 INFORMATION TECHNOLOGY SECURITY PROGRAM

2.4.1 Information Technology Security Policy Statement

2.4.1.1 Overview

The purpose of the Information Technology (IT) Security Program is to protect the Virginia Department of Education's (VDOE) information technology assets and the data by defining the Information Technology Security Program for the Agency.

The program is applicable to all VDOE employees and contractors that manage, develop, purchase, and use the information technology resources of the Department of Education and/or those under the purview of the Virginia Information Technologies Agency (VITA).

This policy adopts the policies and standards set forth in the Commonwealth's Information Technology Resource Management (ITRM) Information Security Policy and Information Security Standard as the guiding precept for the VDOE program, which meets or exceeds them.

The VDOE Information Security Program consists of the following areas:

- Risk Management and IT Contingency Planning
- Information Systems Security and Access Control
- Data Protection

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- Threat Management
- IT Asset Management

2.4.1.2 Background

The VDOE relies heavily on the application of information technology for effective delivery of services to Virginia citizens, school divisions, and other stakeholders.

As such, the security and protection of information technology and data is critical to the performance of our mission. Continual and rapid advances in information technology serve to increase our dependence on it.

It is recognized that data, software, hardware, and telecommunications are vital assets that must be protected.

The Information Security Program is built to support the mission of the VDOE and to maintain public trust. This program provides an approach that must be replicated across all VDOE information technology assets to give the highest levels of information and data assurance and allow Commonwealth of Virginia (COV) Standards and best industry practices to prevail.

2.4.1.3 Guiding Principles

The following principles guide the Information Security Program.

a. VDOE data is critical to the operation and mission of the agency and access to that data is restricted to persons authorized to use it for official business.
b. Information security is the cornerstone of maintaining public trust; it must be managed to address both business and technology requirements of the agency, be risk-based, cost effective, and align with COV priorities, industry best practices and government laws, regulations, and requirements.
c. Information security is directed by management as policy, but implemented by the employees and contractors in each business unit. Ultimately it is the responsibility of all who use VDOE IT systems and data to protect these vital assets.

2.4.1.4 Statement of Policy

This policy is the framework that the VDOE uses to establish and maintain a prudent security profile that supports the agency and the Commonwealth. Additionally, all data must be handled in accordance with applicable laws and regulations.

The function of this policy is to protect VDOE IT resources from credible threats whether internal or external; deliberate or accidental. Employees must keep in mind that while they may

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need access to sensitive or confidential data to perform their function, reasonable measures must be in place to protect it.

It is the function of this IT security program to employ all reasonable, prudent, and cost effective IT security measures to:

a. Protect COV/VDOE information against unauthorized access or use;
b. Maintain the integrity of COV/VDOE information;
c. Ensure that information stored on all VDOE systems is available when needed;
d. Comply with federal, state and other legislative, regulatory and industry requirements; and
e. Review this policy to ensure it remains valid in the face of changing threats, business needs, and technologies.

2.4.2 Roles and Responsibilities

All Department of Education employees and contractors are responsible for meeting the requirements of the agency's Information Technology Security Program in accordance with the Commonwealth's Information Security Standards. In addition, the following responsibilities are assigned:

- The Superintendent of Public Instruction is responsible for the Security of the agency's IT systems and data and for taking appropriate steps to secure the agency's information technology systems and data through the development of an Information Security Program. This includes the responsibility to:
  - Review and approve the agency's Business Impact Analysis (BIA), Risk Assessment (RA), Continuity of Operations (COOP) plan, and IT Disaster Recovery Plan (DRP).
  - Review system security plans for all Department IT systems classified as sensitive to ensure they have adequate protections against security risks.
  - Ensure compliance with the COV IT Security Audit Standard.
  - Ensure a program of Information Security safeguards is established.
  - Ensure an Information Security Awareness and Training program is established.
  - Provide the resources to enable employees to carry out their responsibilities for securing IT systems and data.
  - Identify a System Owner who is generally the Business Owner for each Department sensitive system.
- The agency's Chief Information Security Officer (CISO) is responsible for developing and managing the agency's Information Security Program including managing Information Security Audits and mandatory event reporting. Additional responsibilities include:

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- Develop and manage the agency's Information Security Program to meet or exceed the requirements of COV IT security policies and standards in a manner commensurate with risk.
- Verify and validate that all Department IT systems and data are classified for sensitivity.
- Develop and maintain an Information Security Awareness and Training program for Department staff, including contractors and IT service providers. Require that all IT system users complete required IT security awareness and training activities prior to, or as soon as practicable after, receiving access to any system, and no less than annually, thereafter.
- Implement and maintain the appropriate balance of preventative, detective, and corrective controls for Department IT systems commensurate with data sensitivity, risk, and systems criticality.
- Mitigate and report all IT security incidents in accordance with §2.2-603 of the *Code of Virginia* and VITA requirements and take appropriate actions to prevent recurrences.

- The Assistant Superintendent of Data serves as the System Owner for the agency's integrated information system and is responsible for its day-to-day implementation of the Information Security Program. Additional responsibilities include:
  - Require that IT system users complete any system-unique security training prior to, or as soon as practicable after, receiving access to the system, and no less than annually, thereafter.
  - Manage system risk and development of any additional information security policies and procedures required to protect the system in a manner commensurate with risk.
  - Maintain compliance with COV Information Security policies and standards in all IT system activities.
  - Maintain compliance with requirements specified by Data Owners for the handling of data processed by the system.
  - Designate a System Administrator for the system.
- Assistant superintendents serve as Data Owners, responsible for communicating data protection requirements to the System Owner. This includes:
  - Evaluate and classify sensitivity of data.
  - Define protection requirements for data based on the sensitivity of the data, any legal or regulatory requirements, and business needs.
  - Communicate data protection requirements to the System Owner.
  - Define requirements for access to the data.
- VITA designated staff or authorized contractors serve as the System Administrators, assisting the agency in day-to-day operation and administration of the IT systems and implementing security controls and other requirements of the security program at the direction of the agency.

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- Department of Education staff and contractors in physical and logical possession of data for Data Owners are the Data Custodians, responsible for protecting the data in their possession and operating their respective IT Systems. This includes:
  - Protecting the data in their possession from unauthorized access, alteration, destruction, or usage.
  - Establishing, monitoring, and operating IT systems in a manner consistent with COV Information Security policies and standards.
  - Providing Data Owners with reports, when necessary and applicable.
- All Department of Education employees and contractors are the System Users, responsible for complying with the Security Program, reporting breaches of security to management and taking steps to protect the security of systems and data to which they have access.
- Additionally, all employees and contractors must participate in annual Security Awareness Training provided by VDOE.

2.4.3 Risk Mitigation and Contingency Planning

The VDOE uses Agency Risk Management and Internal Control Standards (ARMICS) data and internal surveys to determine areas of greatest risk and prepares a Risk Matrix annually to enumerate those risks and provide focus on areas which require greater security emphasis to assure VDOE data is adequately and appropriately protected.

IT contingency planning defines the processes and procedures that are used to plan for and execute recovery and restoration of the IT systems and information that support essential business functions/processes of the VDOE. They include Continuity of Operations Planning (COOP), Occupant Emergency Action Plan (OEAP), Disaster Recovery Planning (DRP), and IT Systems Backup and Recovery Planning (SBRP). The key element to Contingency Planning is the information gathered in the Business Impact Analysis (BIA) and Risk Assessment (RA) which are used to determine systems criticality and priority for restoration. The Virginia Department of Emergency Management (VDEM) provides guidance on COOP.
DRP and SBRP are covered in ITRM Guidelines.

As required, VDOE will conduct IT system Risk Assessments (RAs) on all sensitive systems at least every three (3) years. However, an annual self-assessment is conducted and documented to determine the continued validity of the RA. A report will be prepared as a result of the RA that includes at a minimum, identification of all vulnerabilities discovered during the assessment, and an executive summary, including major findings and risk mitigation recommendations.

The VDOE IT DRP will include, but not be limited to:

- All IT systems used by VDOE and how they tie to business

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functions/processes.

- Distinction of systems defined as sensitive.
- The Recovery Time Objective (RTO) and Recovery Point Objective (RPO) of all systems.
- Details for how sensitive systems are backed up and stored off-site.
- Detailed instructions for how all systems will be continued or recovered.

In addition, an annual exercise for how to recover systems will be conducted. The IT DRP will be updated annually following the annual exercise.

In the course of performing risk mitigation and contingency planning, issues which impact information security may be raised. When this happens, it is vital that the senior leadership of the VDOE review these policies to assure they remain valid and are followed to provide the best possible protection while maintaining the ability to carry out the agency's mission.

2.4.4 IT System and Data Sensitivity Classification

IT system and data sensitivity classification identifies the steps necessary to classify all IT systems and data according to their sensitivity with respect to the following three criteria:

1. Confidentiality – addresses sensitivity to unauthorized disclosure;
2. Integrity – addresses sensitivity to unauthorized modification; and
3. Availability – addresses sensitivity to outages.

Sensitive data is defined as "any data of which the compromise with respect to confidentiality, integrity, and/or availability could adversely affect COV interests, the conduct of Agency programs, or the privacy to which individuals are entitled." Data sensitivity is directly proportional to the materiality of a compromise of the data with respect to these criteria.

All VDOE systems are evaluated regarding sensitivity and given a rating of low, moderate, or high. VDOE uses the following table to determine sensitivity for all VDOE IT systems.

IT System and Data Sensitivity			
Type of Data	**Sensitivity Ratings Include Rationale for each Rating**		
	Confidentiality	**Integrity**	**Availability**
Overall IT System Sensitivity Rating and	**Overall IT System Sensitivity Rating Must be "high" if sensitivity of any data type is rated "high"**		

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Classification	on any of the criteria		
	HIGH	MODERATE	LOW
	IT System Classification Must be "Sensitive" if overall sensitivity is "high"; consider as "Sensitive" if overall sensitivity is "moderate"		
	SENSITIVE	NON-SENSITIVE	

2.4.5 Information Technology Systems Security and Access Control

IT systems security is often the gatekeeper to protect the confidentiality, integrity and availability of critical data used to carry out the VDOE mission and meet state and federal reporting requirements. When software and systems are built in support of this, it is necessary to consider security and, specifically, using standard methods to strengthen from a hardware and software standpoint both systems and applications against known or possible threats. Employment of prudence and best-practices dictates a balance but, as a minimum, adherence to the requirements in the Commonwealth's Information Security Standard is required. Specifically, the IT Systems Security Program delineates steps to protect systems and data in the following seven (7) areas:

- IT System Security Plans
- IT Systems Hardening
- IT Systems Interoperability Security
- Malicious Code Protection
- IT Systems Development Life Cycle (SDLC) Security
- Application Security
- Wireless Security

2.4.5.1 IT Systems Security Plans

IT Systems Security Plans document those controls required to prove adequate protection of IT systems which mitigate risks of a security breach. It is incumbent on the System Owner of a sensitive or critical system to document a plan to mitigate risks.

This plan will:

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- Include a list of all existing and planned security controls for each sensitive or critical system, including an implementation schedule, if appropriate;
- Include a matrix of risks with an explanation of how controls mitigate those risks;
- Be approved by the Superintendent of Public Instruction or the designated ISO; and
- Be updated every three years.

2.4.5.2 IT Systems Hardening

This section is intended for technical staff and contractors.

IT systems hardening or strengthening of both hardware and software is deploying those technical security controls to protect IT systems against vulnerabilities. These actions are taken by the service provider, and must be part of any Service Level Agreements (SLA).

2.4.5.3 IT Systems Interoperability Security

IT Systems Interoperability Security identifies steps to protect restricted use data shared with other systems and includes actions taken by the service provider such as the VITA/SAIC Partnership. The agency shares data with other educational institutions, such as school divisions and universities. These actions are covered under a Restricted Use Data Agreement (RUDA) and are considered to comply with this policy. Information provided to the public under FOIA rules and open data published on websites for use by the public is not expected to comply with this requirement. More information on the Restricted Use Data Agreement can be found in Section 2.6.4 of this manual and more information regarding the Data Dissemination Procedure can be gleaned at section 4.1.1.

It is the responsibility of the System Owner and the Data Owner in consultation to document other systems with which data is shared. This document shall include:

- The types of shared data;
- The direction(s) of data flow; and
- The contact information for the organization that owns the system with which the data is shared, including the System Owner, ISO and System Administrator.

Additionally, a written agreement will be entered into by both System Owners to secure and maintain the shared data responsibly. The agreement will:

- Include an explanation of the security requirements that must be created for each type of data and for each interconnected IT system with which that data is shared;

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- Include the agreement that IT systems that share data will inform one another regarding other IT systems with which their IT systems interconnect or share data prior to establishing any additional interconnections or data sharing;
- Specify if and how the data will be stored on the shared system;
- Include an acknowledgement that shared data will be held within all applicable legal requirements regarding handling, protection and disclosure of the shared data;
- Include an acknowledgement to agree to and abide by any legal requirements (e.g., FERPA) regarding handling, protection, and disclosure of the shared data;
- Contain the approval of the system owner to enforce the agreement; and
- Specify each Data Owner's authority to approve access to shared data.

2.4.5.4 Malicious Code Protection

Malicious code is any software program, routine or set of routines designed, built, written or loaded with the intent to do harm to systems, programs or their data, including software to damage programmatic function or information, steal data or misuse data stored within a program. Viruses, Key Loggers, Worms and other software intended to damage systems, programs or data are considered malicious code.

Control of malicious code is a fairly simple issue from the system user's point of view; the service provider must set in place those systems that perform this function as much as possible automatically, but it is the system user who is the last line of defense. System users must be made aware of how malicious code is passed from system to system, what to do in the event their system becomes infected, and how to avoid further contamination.

As a matter of policy, no person shall remove protective measures from VDOE systems, including disabling firewalls, virus protection, spam elimination and pop-up blocking.

2.4.5.5 IT Systems Development Life Cycle (SDLC) Security

IT SDLC Security requirements are essential because necessary and normal change is part of evolution in a healthy IT Systems environment and that the risks associated with that change must be managed. The COV ITRM Information Security Standard defines those security requirements and must be used as a guideline.

2.4.5.6 Application Security

Application Security requirements define the high level specifications for securely developing and deploying software applications onto VDOE and COV Systems. The VDOE CISO is responsible for ensuring the following steps are followed and documented:

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Application Planning – The following must be considered in planning applications:

- Data that is used, processed, collected, and stored by the proposed application shall be classified according to the sensitivity of the data;
- If the data is classified as sensitive, a risk assessment shall be conducted before development begins;
- The security requirements of the application should be identified and documented early in the development cycle;
- The results of the Data Classification, Risk Assessment and Security Requirements processes should be used to determine the need for encryption (encrypted communication channels will be established, sensitive information will not be visibly transmitted between the client and the application, and sensitive information will not be stored in hidden fields that are part of the application interface), authentication, access control and application logging to mitigate the greatest amount of risk possible; and
- Security must be considered throughout the entire SDLC.

Application Development – The following requirements are the minimal set of software program coding practices, which shall be applied to all applications:

- Authentication – Application-based multi-factor authentication and authorization shall be performed for access to data that is available through the application but is not considered publicly accessible;
- Session Management – Any user sessions created by an application shall support an automatic inactivity time-out function;
- Data storage shall be separated, either logically or physically, from the application interface (i.e., design two or three tier architectures where possible);
- All application input shall be validated irrespective of source. Input validation should always be tested considering both expected and unexpected input and not block input based on arbitrary criteria;
- Default Deny – Application access control shall implement a default deny policy, with access explicitly granted;
- Principle of Least Privilege - All processing shall be performed with the least set of privileges required to complete the work;
- All software code should be manually rather than automatically reviewed before it is sent to quality assurance (QA) for certification;
- Quality Assurance - As a part of the QA process application penetration testing using standard methods and means is required for all software written for the VDOE. Penetration testing for standard applications should be considered before they are

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purchased and installed on VDOE systems. They must also use source code control and automated source code analysis tools to validate the security of data gathered, generated and held in VDOE applications;

- All applications should be configured to clear the cached data and temporary files upon exit of the application or logoff of the system; and
- All applications classified as sensitive shall at a minimum be reviewed annually to assess vulnerability in light of the most current known threats.

Production and Maintenance – Production applications shall be hosted on servers located at VITA. All Internet-facing and internal applications shall have periodic vulnerability scans run against the applications and supporting server infrastructure, and always when any significant change to the environment or application is made. Any remotely exploitable vulnerability shall be remediated immediately. Other vulnerabilities should be remediated without undue delay.

2.4.5.7 Wireless Security

This section is intended for technical staff and contractors.

For wireless Local Area Network (WLAN) connectivity on the COV network, the following requirements apply in the deployment, configuration, and administration of WLAN infrastructure connected to any internal COV network:

- Client devices connecting to the WLAN must utilize two-factor authentication (i.e., physical token);
- WLAN infrastructure must authenticate client devices prior to permitting access to the WLAN;
- LAN user authorization infrastructure (i.e., Active Directory) must be used to authorize access to LAN resources;
- Only COV owned or leased equipment shall be granted access to an internal WLAN;
- All WLAN communications must utilize a secure encryption algorithm that provides an automated mechanism to change the encryption keys multiple times during the connected session and provide support for secure encryption protocols (i.e., the Counter Mode with Cipher Block Chaining Message Authentication Code Protocol encryption mechanism based on the Advanced Encryption Standard cipher);
- Physical or logical separation between WLAN and wired LAN segments must exist;
- All COV WLAN access and traffic must be monitored for malicious activity, and associated event log files stored on a centralized storage device;
- Configuration and security data associated with the WLAN must not be provided to unauthenticated devices (e.g., SSID broadcasting will be disabled); and
- WLAN clients will only permit infrastructure mode communication.

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WLAN Hotspot (Wireless Internet)

When building a wireless network which will only provide unauthenticated access to the Internet, the following must be in place:

- WLAN Hotspots must have logical or physical separation from the agency's LAN;
- WLAN Hotspots must have packet filtering capabilities enabled to protect clients from malicious activity;
- All WLAN Hotspot access and traffic must be monitored for malicious activity and log files stored on a centralized storage device; and
- Where COV clients are concerned, WLAN clients will only permit infrastructure mode communication.

Wireless Bridging

The following network configuration shall be used when bridging two (2) wired LANs:

- All wireless bridge communications must utilize a secure encryption algorithm that provides an automated mechanism to change the encryption keys multiple times during the connected session and provide support for secure encryption methods (i.e., the Counter Mode with Cipher Block Chaining Message Authentication Code Protocol encryption mechanism based on the Advanced Encryption Standard cipher);
- Wireless bridging devices will not have a default gateway configured;
- Wireless bridging devices must be physically or logically separated from other networks;
- Wireless bridging devices must only permit traffic destined to traverse the bridge and should not directly communicate with any other network;
- Configuration and security data associated with the WLAN must not be provided to unauthenticated devices (e.g., SSID broadcasting will be disabled); and
- Wireless bridging devices must not be configured for any other service than bridging (i.e., a wireless access point).

2.4.5.8 Logical Access Control

Logical access control requirements define the means for system users to obtain necessary access needed to perform their work while making as certain as possible to protect confidentiality, integrity, and availability of VDOE systems and data. These measures include management of access to VDOE computer systems, account management, password management and remote access controls.

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2.4.5.8.1 Access to VDOE Computer Systems

2.4.5.8.1.1 Granting Access to Systems

New employee access to VDOE computer systems is granted upon the request of the Human Resources Office using the VCCC (Virginia Customer Care Center) form. Access for contractors is requested by their VDOE manager using the VCCC form. If the IT system is classified as sensitive, guest accounts are prohibited, and (for those employed after June 30, 2011) a criminal background check is required. In addition, no shared accounts will be granted for any system.

Access to SSWS applications is requested using the online EIM Service request application in SSWS. The last logon user ID will not be displayed on any multiuser system.

All VDOE computer systems are password protected. Upon creation of an account, VDOE systems require the user to change their assigned password as a part of the initial login. Forgotten initial passwords must be replaced rather than reissued. Passwords in VDOE systems are not displayed on the screen as they are entered and are stored encrypted when stored on the VDOE systems. VDOE systems will not allow the user to reuse the last 24 passwords to prevent the use of the same or similar passwords. After 10 invalid attempts to log on, the user's account is locked.

VDOE will only grant local administrator rights to employees whose documented job duties are primarily the development and/or support of IT applications and infrastructure. Exception approvals must be documented annually and include the explicit acceptance of defined residual risks by the Superintendent of Public Instruction. Given that, at least two (2) individuals must have administrative accounts to each IT system for continuity of operations purposes.

Upon separation, the Office of Human Capital will notify the appropriate systems administrators, including the VCCC, that an employee's account must be disabled. Termination of contractor system access will be initiated by the office responsible for the contractor with the Office of Support Services serving in a coordinating role in obtaining the completed termination checklist and disabling building access identification cards, if applicable. All disabled accounts are deleted after 90 days.

2.4.5.8.1.2 Granting Access to VDOE Servers

Some VDOE employees and contractors have physical access to the server room. Access is controlled by an electronic access card issued by DGS at the direction of the VDOE Building Principal, on request from the VITA Service level director.

Access is monitored by the Building Principal, the VITA Service level director and the

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VDOE Information Security Officer on a monthly basis by reviewing the DGS access logs.

2.4.5.8.2 Account Management

Account management is currently under the control VITA who is responsible for meeting Account Management requirements; however VITA will adhere to the requirements of COV IT standards and policies.

2.4.5.8.3 Password Management

Password management is a critical part of logical access control and if not well managed can be the weakest link in the chain. The Commonwealth's Information Security Standard sets the requirements for all COV systems.

All account holders are required to adhere to the following standards as a minimum:

- All account holders must use non-shared and unique passwords on all accounts, including temporary, remote access and local accounts;
- All COV-issued portable digital assistants and Smart phones will have passwords;
- Passwords will be of at least eight characters in length, and have at least three of the following types used in it: alphabetical, numeric, special and both upper and lower case;
- All default passwords will be changed immediately upon installation;
- Passwords must never be transmitted in clear text via electronic methods such as e-mail;
- All account holders must protect their passwords from inadvertent disclosure;
- All account holders must change their passwords at least every 90 days; and
- All account holders will notify the VDOE ISO if they suspect their password has been compromised.

2.4.5.8.4 Remote Access

Remote access is another technology that can raise exposure to risk if not well monitored. Remote access is a part of normal business at VDOE, but must be managed commensurate with sensitivity and risks. The policy requires each user to use all prudent efforts to protect VDOE data when performing work remotely including using sufficient levels of encryption to protect information. Policies concerning remote access may be found in section 3.5.5 of this manual.

2.4.5.8.5 VDOE Director's SSWS Application Access Review

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The security procedures for VDOE require each director with systems responsibility to review and certify the individuals with access to their applications. This access review and certification must be performed twice per year by these directors. If changes are required, they must be requested via the EIM Service Request process using the Account Management service type. All changes may be made on one SRTS request.

Certification approval will be recorded in the database and used during the agency audits conducted by APA, DOA, and VITA. Directors are reminded to only extend security access using the concept of least privilege based upon the individual's actual job responsibilities. It is not recommended that security access privileges be "cloned" based on another person's position as it is unlikely that the required access is exactly comparable to a previous incumbent's security profile or another individual in a similar position. More information is available on the security access review and certification procedures in SSWS.

2.4.6 Data Protection

Data protection gives security safeguards for the processing and storing of data. This is particularly necessary for the VDOE to remain compliant with the Family Educational Rights and Privacy Act (FERPA) as well as other state and federal statutes protecting the privacy of information.

Data must be protected in a manner commensurate with the sensitivity and risk associated with the information to be stored.

Sensitive data, including records of personally identifiable information (PII), shall not be placed on any unencrypted mobile device such as laptops, CDs, USB devices, etc. The preferred process to securely transfer sensitive data is available using the Dropbox feature in Single Sign-on for Web Systems (SSWS), and is available to all SSWS account holders. Employees are provided an SSWS account when hired. For assistance with an SSWS account, email ResultsHelp@doe.virginia.gov.

Sensitive data shall not be given to individuals outside the agency unless a Restricted Use Data Agreement (RUDA) or a Data Dissemination Request has been executed between VDOE and the third party.

Sensitive data/information are any data of which the compromise with respect to confidentiality, integrity, and/or availability could have a material adverse effect on COV interests, the conduct of VDOE programs, or the privacy to which individuals are entitled. Per VITA ITRM Policy SEC 519-00 (Information Security Policy), sensitive information is: A critical asset that shall be protected; and restricted to authorized personnel for official use. Per Virginia's Information Security Standard, regarding sensitive information:

- Encrypted communication channels shall be established for the transmission of sensitive information;

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- Sensitive information shall not be visibly transmitted between the client and the application; and
- Sensitive information shall not be stored in hidden fields that are part of the application interface.

Confidential data/information are data/information that has been guaranteed to be maintained confidentially (i.e., that will not be released), regardless of their nature (as private or sensitive).

Personally Identifiable Information (PII) is data/information that can be used to identify a person, or that can be used in conjunction with other information (e.g., by linking records) to identify a person. This includes a student's name, the name of a student's parent or other family member, the address of a student, a personal identifier such as the SSN or student number, a list of personal characteristics that would make a student's identity traceable, or any other information that would make a student's identity traceable.

2.4.7 Threat Management and Data Breach Reporting

Suspected data breach incidents and events should be reported to the VDOE CISO. In addition, the *Code of Virginia* requires that data breach incidents and events are to be reported to the Chief Information Security Officer of the Commonwealth (CISO). Suspected IT Security event shall be reported immediately to the VITA Customer Care Center (VCCC) or to Commonwealth Security and Risk Management on behalf of the Chief Information Security Officer of the Commonwealth.

Reports may be filed HERE or by telephone at 804-786-3932 or 866-637-8482. Guidance on Incident Reporting is available on the web at I:\Drive\Data Breach Reporting Plan Process.

A "data breach" generally refers to instances where information has been subject to unauthorized access, often where the information is lost, stolen, or hacked into. This is of particular concern when that information is private, sensitive, or confidential. Organizations and individuals have the responsibility of protecting the information in their care and proper safekeeping of this data is vital. Failure to do so can result not only in a breach, but also result in damage to reputation, significant fines or loss of revenue, and other negative consequences.

The formal process for reporting data breaches is documented and available on the I:\Drive\Data Breach Reporting Plan Process\Data Breach Reporting Plan and Process.doc.

2.4.8 IT Asset Management

The Superintendent of Public Instruction supports an active IT Asset Management program as defined by the Commonwealth's Information Technology Security Policy.

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Specifically, VDOE employees and contractors must not install or use software without the proper software license agreement covering each installation.

The VITA baseline computer configuration is required to be used by all VDOE employees and contractors. This standard setup provides appropriate levels of configuration management as long as all employees and contractors do not modify their VITA assigned systems by installing purchased or downloaded software.

2.4.9 IT Monitoring

According to US Computer Emergency Readiness Team (USCERT) well over 85 percent of damage to IT systems comes from internal sources, either intentionally or accidentally. It is therefore necessary for the Superintendent of Public Instruction to have VITA perform monitoring of internal systems to assure adherence to best practices and to detect anomalous behavior by systems or users and allow for mitigation at the earliest possible moment.

All employees and contractors agree to be monitored as a condition of granting access to systems.

Monitoring of COV and VDOE systems and data may include, but is not limited to, network traffic; application and data access; keystrokes and user commands; e-mail and Internet usage; and message and data content. Specific questions may be addressed to the VDOE CISO.

Requests for investigative monitoring should be directed to the CISO with prior approval by the Superintendent of Public Instruction.

2.4.10 Performance of Information Security Audits

The Commonwealth's Information Technology policy calls for annual audits of information security and offers resources to assist with them. The Department of Education's CISO will audit information security on an annual basis and make recommendations to the Superintendent of Public Instruction for revisions. Such audits will be documented in accordance with the Commonwealth's Policy.

2.4.11 Process for Requesting Exception to Information Security Policy

If the Superintendent of Public Instruction feels that compliance with a specific policy or standard would adversely impact a business process of the VDOE, they may request approval to deviate from a specific requirement by submitting an exception request in accordance with section 3 of the Commonwealth's Information Security Policy.

Each request for exception approved by the Superintendent must contain the following

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information:

- Business need
- Scope and extent
- Mitigating safeguards
- Residual risks
- Specific duration

2.4.12 Acceptable Use

The VDOE requires that employees and contractors adhere to the Department of Human Resource Management's (DHRM) Policy 1.75 governing Use of Electronic Communications and Social Media. All employees and contractors must certify receipt of this policy annually as well as the VDOE Acceptable Use Policy.

The use of social media sites for VDOE business must be approved by their appropriate division director or assistant superintendent. The account shall be established for the agency rather than in the name of an individual employee. Employees wishing to create a social media site for the benefit of the agency, should consult the Office of Equity and Community Engagement to ensure appropriate branding, statement of usage, etc. The Office of Equity and Community Engagement is responsible for maintaining a list of all social networking application domain names in use, the names of all employee administrators of these accounts, as well as the associated user name and password for each active social media account. Changes of employee administrators, user name and/or password should be communicated to the Office of Equity and Community Engagement to maintain agency control.

All VDOE-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with VDOE communications policy, practices and expectations. Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action.

2.5 COPYRIGHTS, INTELLECTUAL PROPERTY

The policy of the Commonwealth is to secure the proprietary interest of the state in the management of intellectual properties and to encourage, to the extent practicable, development of such properties for the public good.

Every employee is required to disclose all inventions and creations, which possess, at a minimum, the ownership requirements outlined below and are believed to have marketable or commercial value. Disclosure shall be made promptly to the Department of Education, and the

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agency shall provide this information to the Secretary of Administration. Disclosure is required whether the property was developed by the agency or an employee, was acquired under contract from an external source when developed in cooperation with a state employee or other individual, agency, or organization, or was developed by more than one person.

An effort by an employee, or someone acting on his or her behalf, to acquire a copyright registration or patent owned by the state in any name other than the state's shall be conclusive evidence that a disclosure form should have been filed by the employee.

The granting of permission to use copyrighted materials does not represent an endorsement of the user's product.

2.5.1 Definition of Intellectual Property

Intellectual property shall include all patentable subject matter (referred to as inventions) and subject matter that is copyrightable (referred to as creations) and their resulting patents and copyrights.

2.5.1.1 Patentable Subject Matter

Patentable subject matter embraces all inventions subject to the U.S. patent system such as new processes, materials, compounds, chemicals, biochemicals, equipment, botanical plants, and designs. The patent system includes U.S. Patents, U.S. Design Patents, U.S. Plant Patents, and protection afforded by the Plant Variety Protection Act.

2.5.1.2 Copyrightable Subject Matter

A copyright is a form of protection granted by law for owners of original works. It provides the creator of such work the right to control how the work is used. The Copyright Act of 1976 is codified at 17 U.S.C. §§ 101-810.

Copyrighted subject matter includes all creations subject to the U.S. copyright laws including, but not limited to, printed materials, computer software, and databases. A copyright is secured when a work is created, that is, when it is fixed in a copy for the first time. Registration is not required to secure copyright protection, but it is beneficial if the ownership of materials is challenged. A copyright notice should contain the following:

a. The symbol © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."; and
b. The year of first publication of the work; and
c. The name of the owner of the copyright (e.g., the Commonwealth of Virginia Department of Education).

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The copyright notice should be affixed in a prominent place so that it provides notice of the copyright claim to the reader, e.g. on the title page, the page immediately following it, or the first page of the main body of work.

2.5.2 Ownership Conditions

Materials developed by a state employee under the following conditions shall automatically be the property of the Commonwealth:

- During working hours;
- Within the scope of employment or through a contractual agreement or a memorandum of understanding; or
- When using state-owned or controlled facilities.

Ownership gives the Commonwealth the sole discretion to submit an application for the copyright registration or patent. Ownership means worldwide rights, title, and interest to inventions and creations. Disputes and confusion about copyright ownership can be avoided by ensuring that any department contract or agreement clearly protects the Commonwealth's interests. The ownership of materials developed by this Department through contracts with colleges, universities, consultants, and others remains with this Department unless there is an agreement to the contrary, such as what may be specified in the contract. In any case, the agency may revoke the authority it has granted for use of copyrighted material, if necessary.

The Secretary of Administration may empanel an Intellectual Property Review Committee, consult with appropriate parties, or arrange for the Innovative Technology Authority or another public or private entity to evaluate, administer, and market intellectual properties.

Without prior written release approved by the Secretary of Administration, neither an employee nor any third party may commercialize intellectual property belonging to the state.

If the Secretary of Administration determines that the invention or creation does not meet applicable appropriate definitions, or that the material is not marketable or shall not be marketed, the VDOE, with prior approval of the Secretary, may grant the employee or any third party a license to use the invention or creation.

The agency, with prior approval of the Secretary of Administration, may partially or completely release state rights, title, and interest in the creation or invention by transferring interests in favor of such creator, inventor, or third party.

2.5.3 Responding to Requests for Copyrighted Materials

2.5.3.1 Response to Requests

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Department of Education personnel may respond directly to a request for use of copyrighted materials if the appropriate Assistant Superintendent has either pre-approved the direct response to such requests or has approved a direct response to that specific request according to the agency's policy below.

Please maintain a copy of all requests and responses in division files. In addition, a copy of the response and request must be sent to the Department of Policy, Communications, and Equity for recordkeeping purposes. You will find examples of approval and denial letters in the I:\Drive\Copyrights.

In some cases, materials copyrighted by other parties or entities may be found on the VDOE website. Because the agency is not authorized to grant copyright permission to use these materials, persons interested in using them should be referred to the party or entity holding the copyright for that permission.

Permission is not required to create a link to the Virginia Department of Education's website or to any of its webpages. Pages on this site also provide links to other sites that are not maintained by the Virginia Department of Education. These links are provided as a convenience for persons who visit our website. The VDOE is not responsible for the contents of any off-site pages or any other sites linked from this site; therefore, our agency does not guarantee the accuracy, completeness, usefulness, or adequacy of any resources, information, products, or process contained in any website linked directly or indirectly to our site.

2.5.3.2 Requests for Non-Commercial Use

Except where specifically noted in this policy, permission must be obtained to use materials copyrighted by the Department of Education. The VDOE grants permission to use its copyrighted materials on a case-by-case basis. Requests must be in writing and include the following information:

- The requester's mailing address and physical location;
- A specific description of the materials to be used, including specific website locations for materials, if relevant;
- The purpose for which the information will be used, including the proposed audience; and
- A statement indicating whether the information will be used for commercial purposes. Commercial purposes means for profit or for sale.

A sample copyright request form is located at the end of this section on copyright at Attachment A.

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Each grant of permission must contain the following stipulations:

- The requestor must include an acknowledgement stating that the materials are copyrighted by the Commonwealth of Virginia Department of Education, that all rights are reserved, and that the materials are reprinted with permission.
- The grant of permission is non-assignable. The Virginia Department of Education is the sole copyright owner of the material and reserves all rights to the material including, but not limited to, the rights to reprint, reproduce, transmit, copy, or distribute the material.
- A third party who wishes to use the material in any manner must contact the Virginia Department of Education for specific written permission unless that party falls within one of the exceptions specified in the agency's policy.
- Permission is granted for the specific use identified in the request. No additions, deletions, or revisions to the material are authorized or permitted without the specific prior written approval of the Virginia Department of Education.
- Use of these materials does not represent an endorsement of or a review of the product, curriculum, or materials by the Department of Education.

In addition, an acknowledgement of this Department's copyright should be included. The following is an example: © 2008 by the Commonwealth of Virginia Department of Education.

See 2.5.3.4 Use by Virginia's public school educators; 2.5.3.5 Use by Supplemental Educational Services (SES) providers, tutors, or tutoring organizations; 2.5.3.6 Use by persons, organizations, and businesses working with or for the benefit of Virginia's public schools; and 2.5.3.7Use by Virginia's parents who home school and private schools serving Virginia's students for exceptions to this Department's copyright policy.

2.5.3.3 Requests for Commercial Use

Requests for use of copyrighted materials for commercial purposes are granted under the following circumstances:

The Virginia Department of Education may consider requests for permission to use the VDOE's copyrighted materials for commercial purposes from any party that is a qualified contractor. A qualified contractor is one who has entered into a contract with the agency in accordance with the Virginia Public Procurement Act. All contractors who have entered into a contract with the agency may submit a written request for permission to use copyrighted materials for commercial purposes to the agency head or Department designee. Any such request must state with particularity the materials the contractor is requesting to use, the intended use of the materials, and the proposed audience for the materials.

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Each request by a qualified contractor will be considered on a case-by-case basis to determine whether the intended use of the copyrighted materials will appropriately benefit public education.

Any contractor requesting permission to use copyrighted materials for commercial purposes must agree to the agency's terms and conditions for use of the copyrighted materials. The agency may revoke permission granted to any contractor that fails to adhere to the agency's terms and conditions for use of the copyrighted materials.

The Department of Education may seek injunctive relief, attorney fees, and the greater of actual damages or statutory damages from any party infringing upon the agency's copyright. In addition, it may seek any other relief or remedy available by law.

For exceptions to the copyright policy, see 2.5.3.4 Use by Virginia's Public School Educators; 2.5.3.5 Use by Supplemental Educational Services (SES) Providers, Tutors, or Tutoring Organizatons; 2.5.3.6 Use by Persons, Organizations, and Businesses Working With or For the Benefit of Virginia's Public Schools; and 2.5.3.7 Use by Virginia's Parents Who Home School and Private Schools Serving Virginia's Students.

2.5.3.4 Use by Virginia's Public School Educators

The Virginia Department of Education develops educational materials and maintains information on its website primarily for the benefit of Virginia's public school educators, its school divisions, its public school students, and other Virginia citizens. Virginia's public school educators may reproduce these materials without requesting permission from this Department as long as there is an education benefit to Virginia's public education system and its students, including, but not limited to, the enhancement of classroom instruction, teacher education, and professional development for Virginia's public school teachers. However, all copyright and other proprietary notices contained within these materials must be retained. In addition, the reproduced materials must include a statement indicating that the use of the materials does not represent an endorsement of or review of the product, curriculum, or materials by the Virginia Department of Education. The following acknowledgement must be included in the materials:

- The Virginia Department of Education is the sole copyright owner of the material and reserves all rights to it, including, but not limited to, the rights to reprint, reproduce, transmit, copy, or distribute the material.
- A third party who wishes to use the material in any manner must contact the Virginia Department of Education for specific written permission unless that party falls within one of the exceptions specified in the agency's policy.
- Any materials requested that contain copyrighted information from other parties may not be used without the expressed written consent of the person or entity that owns the copyright.

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- These materials, product, or curriculum are not a product of or endorsed in any way by the Virginia Department of Education and have not been reviewed by that Department.

In addition, an acknowledgement of this Department's copyright must be included. The following is an example: © 2008 by the Commonwealth of Virginia Department of Education.

For exceptions to the copyright policy, see 2.5.3.5 Use by Supplemental Educational Services (SES) Providers, Tutors, or Tutoring Organizatons; 2.5.3.6 Use by Persons, Organizations, and Businesses Working With or For the Benefit of Virginia's Public Schools; and 2.5.3.7 Use by Virginia's Parents Who Home School and Private Schools Serving Virginia's Students.

2.5.3.5 Use by Supplemental Educational Services (SES) Providers, Tutors, or Tutoring Organizations Located in Virginia

SES providers, approved by the Board of Education, and commercial and non-commercial tutors or tutoring organizations located in Virginia may use this Department's copyrighted materials as a means to assist Virginia's public school children improve academically. Approved SES providers are required to utilize the Standards of Learning (SOL) as a guide in academic and enrichment activities. (See https://p1pe.doe.virginia.gov/ses/index.jsp for a list of approved SES providers.) Commercial and non-commercial tutors and tutoring organizations that provide tutoring services to Virginia's public school students perform a service that is of educational benefit to the Commonwealth and its citizens. Tutors and tutoring organizations located in Virginia and approved SES providers may use the SOL materials as part of their tutoring or SES services performed within this state as long as they include the following acknowledgement in the materials:

- The Virginia Department of Education is the sole copyright owner of the material and reserves all rights to it, including, but not limited to, the rights to reprint, reproduce, transmit, copy, or distribute the material.
- A third party who wishes to use the material in any manner must contact the Virginia Department of Education for specific written permission unless that party falls within one of the exceptions specified in the agency's policy.
- Any materials requested that contain copyrighted information from other parties may not be used without the expressed written consent of the person or entity that owns the copyright.
- These materials, product, or curriculum are not a product of or endorsed in any way by the Virginia Department of Education and have not been reviewed by that Department.

Moreover, an acknowledgement of this Department's copyright must be included in the

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product or materials. The following is an example: © 2008 by the Commonwealth of Virginia Department of Education.

For exceptions to the copyright policy, see 2.5.3.4 Use by Virginia's Public School Educators; 2.5.3.6 Use by Persons, Organizations, and Businesses Working With or For the Benefit of Virginia's Public Schools; and 2.5.3.7 Use by Virginia's Parents Who Home School and Private Schools Serving Virginia's Students.

2.5.3.6 Use by Persons, Organizations, and Businesses Working with or for the Benefit of Virginia's Public Schools

Persons, organizations, and businesses working with or for the benefit of Virginia's public schools, such as consultants, textbook publishing companies, and companies that provide or install testing software, may use this Department's copyrighted materials as a means to benefit public education in Virginia. This means the copyrighted content is used for the enhancement of classroom instruction in Virginia's public schools, teacher education in Virginia's colleges and universities, or professional development for Virginia's teachers. For academic purposes, Virginia's school divisions may contract with consultants and companies to develop materials and to install assessment software and Virginia's college or university professors may utilize the VDOE's materials for instruction. If necessary, the VDOE may revoke the authority it has granted for use of copyrighted material.

In such cases the following acknowledgement must be included in any copyrighted materials used:

- The Virginia Department of Education is the sole copyright owner of the material and reserves all rights to the material, including, but not limited, to the rights to reprint, reproduce, transmit, copy, or distribute the material.
- A third party who wishes to use the material in any manner must contact the Virginia Department of Education for specific written permission unless that party falls within one of the exceptions specified in the agency's policy.
- Any materials requested that contain copyrighted information from other parties **may** not be used without the expressed written consent of the person or entity that owns the copyright.

These materials, product, or curriculum are not a product of or endorsed in any way by the Virginia Department of Education and have not been reviewed by that department.

Moreover, an acknowledgement of this Department's copyright should be included in the product or materials. The following is an example: © 2008 by the Commonwealth of Virginia Department of Education.

For other exceptions to the copyright policy, see 2.5.3.4 Use by Virginia's Public School Educators; 2.5.3.5 Use by Supplemental Educational Services (SES) Providers, Tutors, or

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Tutoring Organizatons; and 2.5.3.7 Use by Virginia's Parents Who Home School and Private Schools Serving Virginia's Students.

2.5.3.7 Use by Virginia's Parents Who Home School and Private Schools Serving Virginia's Students

Virginia's parents who home school and private schools that serve Virginia residents may use this Department's copyrighted materials for the educational benefit of Virginia's citizens, including the enhancement of academics and professional development for school staff. The private schools referenced include those that are physically located in the Commonwealth and virtual schools and correspondence programs that serve Virginia residents.

In such cases the following acknowledgement must be included in any copyrighted materials used:

- The Virginia Department of Education is the sole copyright owner of the material and reserves all rights to the material, including, but not limited to, the rights to reprint, reproduce, transmit, copy, or distribute the material.
- A third party who wishes to use the material in any manner must contact the Virginia Department of Education for specific written permission unless that party falls within one of the exceptions specified in the agency's policy.
- Any materials requested that contain copyrighted information from other parties may not be used without the expressed written consent of the person or entity that owns the copyright.
- These materials, product, or curriculum are not a product of or endorsed in any way by the Virginia Department of Education and have not been reviewed by that department.

Moreover, an acknowledgement of this Department's copyright should be included in the product or materials. The following is an example: © 2008 by the Commonwealth of Virginia Department of Education.

Private schools, virtual schools, or correspondence programs may not use this Department's copyrighted materials to serve or educate persons who participate in their programs in other states without this Department's permission. See 2.5.3.2. or 2.5.3.3 for information about submitting copyright permission requests.

For other exceptions to the copyright policy, see 2.5.3.4 Use by Virginia's Public School Educators; 2.5.3.5 Use by Supplemental Educational Services (SES) Providers, Tutors, or

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Tutoring Organizatons; and 2.5.3.6 Use by Persons, Organizations, and Businesses Working With or For the Benefit of Virginia's Public Schools.

2.5.4 Request to Videotape or Audiotape Department Staff Presentations

Department staff provides presentations frequently to staff from school divisions, parents, and others. Sometimes school division staff or other persons present may request to audiotape or videotape these presentations. The agency has developed a request form to be used when school division personnel ask to audiotape or videotape a presentation, see Attachment B. This form should be used only in situations when the request comes from a school division representative. Any other requests from other parties should not be granted.

This form authorizes the requester to use the presenter's name, likeness, pictures and/or voice in connection with a taping for broadcast, duplication, distribution, direct exhibition, and any subsidiary educational purposes in perpetuity for posting on a website, displaying on local cable television access channels, including, but not limited to videotape, audiotape, film, photograph, television, radio, digital, Internet, Intranet, theater, or exhibition. While it is best if a requester asks for this permission prior to the presentation, staff may want to carry these forms with them for last minute requests.

2.5.4.1 Referral of Request for Copyrighted Materials to the Department of Policy

Each division is responsible for processing its copyright requests. Although a processing time of no more than thirty (30) days is recommended, processing requests may take more time when there are extenuating circumstances.

Requests for the use of materials copyrighted by the Department of Education may be referred to the Department of Policy, Communications and Equity if:

- There are questions about whether a request should be granted or whether the policy regarding denial for commercial use should be applied.
- The request is one of which the Superintendent of Public Instruction should be informed.
- The request may require review by the Office of the Attorney General.

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Attachment A

Copyright Permission Request Form

Use this form to request permission to use copyrighted materials from the Virginia Department of Education (VDOE).

CONTACT INFORMATION:

Name and Organization:_____

Mailing Address: _____

Physical Location:_____

E-mail Address:_____

Telephone Number:_____

CONTENT INFORMATION:

SPECIFIC DESCRIPTION OF THE MATERIALS TO BE USED, INCLUDING TITLES AND SPECIFC WEBSITE LOCATIONS, IF RELEVANT:

_____
_____
_____

PURPOSE FOR WHICH THE INFORMATION WILL BE USED, INCLUDING THE PROPOSED AUDIENCE:

_____
_____
_____

STATEMENT INDICATING WHETHER THE INFORMATION WILL BE USED FOR COMMERCIAL PURPOSES OR ACADEMIC USE (COMMERCIAL PURPOSES MEANS FOR PROFIT OR FOR SALE.):

_____
_____
_____
_____

ADDITIONAL INFORMATION:_____
_____
_____

Please e-mail your request to Student_Assessment@doe.virginia.gov for requests related to Standards of Learning (SOL) or assessment or to the appropriate division's e-mail address for other requests. (See http://doe.virginiainteractive.org/vdoe_directories/StaffByDivisions.aspx?w=true for department division directory information)

Signature_____**Date**_____

PLEASE ALLOW A REASONABLE AMOUNT OF TIME (AT LEAST 30 DAYS) FROM THE TIME OF RECEIPT FOR PROCESSING. PROCESSING TIME MAY BE EXTENDED WHEN THERE ARE EXTENUATING CIRCUMSTANCES.

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Attachment B - Video/Audio Release Form

RELEASE

I hereby grant,_____and its assignees to use my name, likeness, pictures and/or voice in connection with the _____tentatively titled _____ for broadcast, duplication, distribution, direct exhibition, and any subsidiary educational purposes in perpetuity to include copying on DVDs, posting on a website, displaying on local cable television access channels, including, but not limited to, videotape, audiotape, film, photograph, television, radio, digital, Internet, Intranet, theater, or exhibition.

The foregoing consent is granted with the understanding that neither _____nor its assignees may edit the video and/or voice recording of my appearance and interviews such that the presentation is materially altered and/or distorted. I specifically waive any rights to compensation with respect to use of my name, likeness, pictures, and/or voice. Moreover, neither _____ nor its assignees may use any portion of the recorded presentation for profit.

I hereby certify that I am over the age of eighteen, and that I have read, understood, and agreed to the foregoing. I further certify that I have read the foregoing and fully understand the meaning and effect thereof and, intending to be legally bound, I have freely and voluntarily signed this permission for release.

SIGNATURE _____

NAME _____

ADDRESS _____

_____

DATE_____

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SECTION 2.0 Administration

2.6 DATA AND REPORTING

2.6.1 Data and File Backup Policy

Employees are discouraged from storing data or documents on the hard drives of their desktop or laptop computers, or on removable media such as USB drives. Instead, files should be stored on the network drives which are backed up daily by the VITA Partnership. Employees who choose to store data on hard drives or removable media are responsible for conducting their own backups and storing them in an off-site location.

2.6.2 Education Information Management Service Requests

The Service Request Tracking System (SRTS) within SSWS provides VDOE employees a paperless online process for requesting programming services or data from Education Information Management (EIM) and provides real-time status tracking of each request. Please refer to the instruction guide within SRTS for full and complete usage instructions and detail capabilities.

SRTS is accessed by clicking the "EIM Service Request" link on the gray right-hand menu of the main SSWS Menu page. Within SRTS, a new Service Request may be created by clicking "New Request" on the gray right-hand menu.

The following abilities are available within SRTS:

- Request a new application be developed within SSWS
- Change the functionality of a current SSWS application
- Add new functionality to a current SSWS application
- Change a SSWS system generated report
- Add a new report to a current SSWS application
- Correct a bug (error) in a current SSWS application's logic
- Request an ad hoc report (one-time, or informal report)
- Place FOIA request for data
- Update a database table structure
- Modify current database data content
- Add or change an Oracle Account
- Grant and revoke application access for DOE employees and contractors

All services must be approved by an office director. All requests will automatically be routed to

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the correct director for review and approval before being routed to EIM for processing. SRTS will default to the director of the request creator, but an alternate director may be selected if required. Once the request has been submitted, someone from EIM may contact the request creator if more information is needed. The system will automatically notify the request creator of the request status at various points in processing. The Search function on the gray right-hand menu may be used to check your request at any time.

Granting and removing employee's access to all SSWS applications and features is also within SRTS and available to all DOE staff with one or more direct reports. A request for giving access to an application must be approved by the director of the person being given access and also by the office director responsible for the requested application. If either disagrees, the request is denied. Requests to remove access need only to be approved by affected person's director. Please refer to the instruction within SRTS for a detailed guide for granting/removing access.

2.6.3 Procedures for Data Collection and Reporting

The Procedures for Data Collection and Reporting provide guidelines for the collection, processing, analysis, and reporting of educational statistics in the Virginia Department of Education. The procedures are intended to help improve the usefulness, timeliness, accuracy, and comparability of education data that inform key policy decisions in Virginia as well as all levels of the U.S. education system. The procedures cover the following topics:

- Management of Data Collection and Reporting
- Designing the Data Collection Instrument
- Data Collection
- Data Preparation and Processing
- Reporting and Dissemination of Data

The full text of the procedures may be found on the DOE website.

2.6.4 Restricted-Use Data

"Restricted-Use Data" is personally identifiable information requiring specific procedures to protect confidentiality.

"Public-Use Data" is data that contain no personally identifiable information requiring no specific procedures to protect confidentiality. "Merging Restricted-Use data records with Public-Use data records" means a file containing both Restricted-Use Data and Public-Use Data merged into one file or report. This file or report is considered Restricted-Use Data. Merely deleting identifying fields from a "Restricted-Use Data" file *does not* create a "Public-Use Data" file. Disaggregation of "Restricted-Use Data", even without explicit identification fields, may result

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in a record where the identity of the subject could be reasonably inferred.

A "Restricted Data Use Agreement" between the Department of Education and any contractor receiving Restricted-Use Data must be completed and signed by all parties prior to transferring any restricted-use data out of the agency.

The Family Education and Right to Privacy Act (FERPA), Virginia's Government Data Collection and Dissemination and Practices Act, and other regulations may place further restrictions on the dissemination of restricted-use data. A blank Restricted Data Use Agreement and routing slip may be found at I:\Drive\IT Security\RUDA.

2.6.5 Non-Disclosure and Appropriate Use of Data Agreement

Managers are strongly encouraged to maintain signed non-disclosure agreements for all staff and contractors that may have access to confidential papers and data. A blank Non-Disclosure Agreement may be found at I:\Drive\FORMS\NondisclosureAgreement.

2.6.6 Publication of Sensitive Data

Sensitive data (critical, confidential, or personally-identifiable student and scholastic information) may not be released in printed or electronic form or on the VDOE website without written approval by the Superintendent of Public Instruction or designee. Aggregate data may still be sensitive. The agency's policy is to suppress counts where the student performance data are disaggregated by gender, race, or ethnicity and the number of students in the count is fewer than 10, and in certain other instances where the number is fewer than 10 and the agency has determined that the release of small numbers has the potential to permit unauthorized identification of students.

Under the Family Educational Rights and Privacy Act (FERPA) personally-identifiable information (PII) includes a student's name and other direct personal identifiers, such as the student's SSN or student number (e.g., State Testing Identifier -- STI). PII also includes indirect identifiers, such as the name of the student's parent or other family members; the student's or family's address, and personal characteristics or other information that would make the student's identity easily traceable.

The regulations further define PII to include "other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty."

The final regulations add biometric records to the list of personal identifiers that constitute PII, and add other indirect identifiers, such as date and place of birth and mother's maiden name, as examples of identifiers that should be considered in determining whether information is personally identifiable. In response to public comments to USED, regulations

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define "biometric record" to mean a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting. This definition is based on National Security Presidential Directive 59 and Homeland Security Presidential Directive 24.

The Office of Education Information Management (EIM) will be the office of primary responsibility in reviewing investigative reports for identifying sensitive data that is prohibited from disclosure under FERPA. Due to the sensitivity of some of these reports, the Policy and Communications Division will coordinate public release of investigative reports and any related FOIA requests. A routing slip for the review and approval of investigative reports is posted in the forms folder at I:\Drive\FORMS\Procurement Forms.

2.67 Process for Obtaining Visualization Software

Employees interested in data visualization software should first contact the Office of Research to verify a license is available for software currently approved by the Agency for use.

- If a license is not available or if the employee is interested in software that is not yet approved for Agency use, the employee should contact the Office of Technology for additional guidance on the procurement and approval of software.
- If a license is available, employees should submit a Research request through the Service Request Tracking System (SRTS; see Section 2.6.2 of the Administrative Manual for access instructions). The request should specify the type of license needed, and a rationale for its use.
- Requests for visualization software will first be routed through and must be approved by the employee's supervisor.

Prior to installation of the software, employees must verify that they have completed the following training requirements:

- The Agency's required Information Security and Awareness Training within the past calendar year;
- Review of Section 2.6: Data, Reporting, and Visualizations of the Administrative Manual;
- Review of this document; and
- Review of the National Forum on Education Statistics Guide to Data Ethics.

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Only the current version of Agency-approved software can be installed on COV systems, and must be installed by VITA personnel through their ticketing service.

- Only Microsoft Power BI and Tableau are Agency-approved data visualization tools.
- For Microsoft Power BI, only certified Power BI visuals and those included within the software should be used. Click here for additional information about Power BI visual certification.

2.6.7.1 Recommended Training

- A list of self-study training resources are available from the Office of Research.
- Periodically, the Office of Research will provide in-person or virtual training opportunities for agency employees. Individuals with software licenses will automatically receive updates and registration announcements for upcoming training events.

2.6.7.2 Data Access, Security and Suppression

- To ensure use of the highest quality educational data, only the following Agency data collections and sources, and their related tables, should be used for data visualizations:
    - Master Schedule Collection;
    - Student Record Collection;
    - Career and Technical Education Collection;
    - Student Assessment Collection;
    - Vendor Data Sets, including ACT, PSAT/SAT, IB, AP, PALS, VKRP, and NSC);
    - Agency Virginia Longitudinal Data System (VLDS) table counterparts (if available); and
    - VLDS data tables from partner agencies resulting from an approved research project.

- Use of one-time data collections and external data sources, including those created for specific research purposes, should be limited unless the quality of the data is known and meets acceptable standards for validity and reliability.

- Employees may request access to data through SRTS by using the ad hoc request service. The employee's supervisor must approve data requests before being processed by Data Services.

- Data visualizations must comply with Section 2.6.6 of the Administrative Manual on the publication of sensitive data. The agency's policy is to suppress counts where the student performance data are disaggregated by gender, race, or ethnicity and the number of students in the count is fewer than 10, and in certain other instances where the number is

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fewer than 10 and the agency has determined that the release of small numbers has the potential to permit unauthorized identification of students.

- In addition, for data visualizations, simply suppressing values less than 10 may not be sufficient because it may be possible to calculate the suppressed values simply by changing the filters. For example, if the data associated with economically disadvantaged students are suppressed but the total number of students and the non-disadvantaged student data is available, it may be possible to calculate the suppressed values for economically disadvantaged students.

- If data from other agencies or from VLDS partner agencies are used in the data visualization, the visualization should be reviewed/approved by the partner agencies prior to release to ensure compliance with the respective agencies' suppression and data publication policies.

2.6.7.3 Visualization Development Process

- Employees developing visualizations should review the National Forum on Education Statistics Guide to Data Visualizations to understand visualization practices that will help communicate data meaning in visual formats that are accessible, accurate, and actionable for a wide range of education stakeholders.

- Employees requiring visualization development from the Office of Research should submit a Research request through SRTS. The request should be as detailed as possible and indicate the type(s) of visualization(s) desired. Upon receiving the request, the Office of Research will meet with the requestor to further define the scope of the visualization. Timelines to develop visualizations are dependent upon available data, available personnel, agency priority, and complexity of the visualization.

- All visualizations must comply with the agency's visualization template standards with regard to use of colors, data labels, and use of agency branding. Standards may vary depending on the intendent audience for the visualization. Visualization template standards are available from the Office of Communication and Constituent Services.

- All visualizations created for the public or intended for display on a public website must comply with Section 508 accessibility regulations and WCAG 2.0 accessibility regulations.

2.6.7.4 Testing and Approvals

- All data visualizations should be thoroughly tested by the visualization creator and at least one other team member familiar with the data set(s) involved for accuracy,

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conformity with DOE visualization standards and security. Some visualizations may require approval by Data Services and/or a Division Superintendent prior to dissemination.

- For proper testing, the data visualization creator and a team member must have access to the underlying data set and any queries used to access data, in addition to the data visualization.

- At a minimum, testing should verify:

    - The accuracy of the underlying data and any queries written to access the data, including assurance that data sets and calculations do not contradict publicly available data;
    - The inclusion of data caveats, as needed, to explain data quality issues or discrepancies, and to explain missing data or lack of data displayed through filters;
    - The expected functioning of all filters, individually and in combination, such that values displayed match source tables whenever possible;
    - The application of all suppression requirements, with particular attention paid to the use of filters;
    - Conformity to agency visualization template standards, including the use of colors and branding; and
    - Conformity to required accessibility regulations, as applicable.

- Once testing is complete, the data visualization creator must seek approval for visualizations that use sensitive data or will be shared outside of the creator's team/office. See Section 2.6.6 of the Administrative Manual for a definition of sensitive data. Further questions about data sensitivity should be directed to the Office of Data Services.

- The Office of Research will provide the visualization creator access to the data visualization approval workflow form upon request. Visualization creators will need to know the email addresses of each approver when completing the form.

- Approval levels are built into the data visualization approval workflow form as follows:

    - Visualizations using sensitive data that will be shared with team members require approval by a Team Member and the Office of Data Services;
    - Visualizations using sensitive data that will be share with agency leadership require approval by a Team Member, the Office of Data Services, and an Assistant Superintendent;

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- Visualizations using sensitive data that will be shared publicly require approval by a Team Member, the Office of Data Services, and an Assistant Superintendent;
- Visualizations using non-sensitive data that will be shared with leadership require approval by a Team Member and an Assistant Superintendent;
- Visualizations using non-sensitive data that will be shared publicly require approval by a Team Member, the Office of Data Services, and an Assistant Superintendent.

- The team members who approves the visualization can be the same team member who tested the visualization prior to approval. In both cases, the team member should be familiar with the data, can determine if the visualization is displaying data appropriately, and can confirm that any interpretations of data are accurate and set within the appropriate context.

- If data from other agencies or organizations are used in the visualization, the Team Member approval must include an individual with knowledge of the data from that agency, if applicable.

- Visualization creators are advised to retain a copy of the final request approval email for their records.

2.6.7.5 Publication and Maintenance

- Once approval for the visualization has been obtained, the visualization creator may request the visualizations be posted on an agency webpage through a Webmaster request.

- The visualization creator is responsible for ensuring the visualization meets accessibility requirements and is functioning as intended prior to posting.

- Contact information for the visualization must be clearly displayed on the webpage to address any questions from the public.

- Visualization creators are responsible for continued maintenance of the visualization, and responsible for requesting its removal from the webpage at the end of the visualization's lifespan.

2.7 FREEDOM OF INFORMATION ACT (FOIA)

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SECTION 2.0 Administration

2.7.1 Purpose

The *Virginia Freedom of Information Act,* §§ 2.2-3700 through 2.2-3714 of the *Code of Virginia*, ensures that the people of the Commonwealth have ready access to public records in the custody of a public body, and free entry into meetings of public bodies.

Unless a public body elects to exercise an exemption as provided in the Act or any other statute, every meeting must be open to the public, and all public records must be available for inspection and copying upon request.

All public records and meetings are presumed to be open, unless an agency invokes an exemption.

2.7.2 Definitions

The term "meetings," as defined by the *Code of Virginia*, means ". . . the meetings, including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body."

The gathering of employees of a public body shall not be deemed a 'meeting' subject to the provisions of the Act. The term "public body" as defined by § 2.2-3701 of the *Code of Virginia*, means ". . . any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are 'public bodies' for purposes of this chapter."

The term "public records," as defined by the *Code of Virginia*, means ". . . all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business."

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2.7.3 Requests for Access to Records

A request for records must identify the records with reasonable specificity, but it does not have to refer to the Freedom of Information Act or be in writing in order to constitute a FOIA request. The Department of Education may require the requester to provide his name and legal address before processing the request.

2.7.3.1 Response to Requests for Access to Records

One of the following responses to a request for records must be made in writing within five working days after the receipt of the request:

1) The requested records will be provided;
2) The requested records will be entirely withheld;
3) The requested records will be provided in part and withheld in part;
4) The requested records could not be found or do not exist and, if applicable, may be in the possession of another public body. Contact information for the other public body must be included; and
5) It is not practically possible to provide the requested records or to determine whether they are available within the five working day period. If the agency determines that it cannot provide the records within the five working day period, the response must include the conditions that make provision of the records impossible.

If notification is made within the five working days, the agency has an additional seven working days in which to provide one of the other three responses. The five-day timeline begins on the day after the receipt of the request, not including weekends or holidays.

All responses to FOIA requests must take into consideration appropriate safeguards specified in Section 2.6.6 above.

2.7.3.2 Exclusions

Requested records must be provided unless a statutory exclusion applies or another law prohibits their disclosure. If an exclusion applies the requested records may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. The exclusions that may be applied by the agency are prescribed by §§ 2.2-3705.1 and 2.2-3705.4 of the *Code*. In addition, any personally identifiable information should be redacted. If a determination is made to invoke an exclusion, the agency may refuse to release the applicable portion of the record.

If the VDOE uses an exclusion to delete a portion of a record or to withhold an entire

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record, a written explanation must be given within the statutory timeline stating why all or part of the requested information will not be provided and citing the specific exclusion used.

2.7.3.3 Permissible Charges for Access

The agency may make reasonable charges not to exceed the actual costs incurred in accessing, duplicating, supplying, or searching for the requested records. Any duplicating fee cannot exceed the actual cost of duplication.

All charges for the supplying of requested records must be estimated in advance at the request of the citizen seeking the records.

In any case where the agency determines in advance that charges for producing the requested records are likely to exceed $200, the agency may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the estimate.

The period within which the agency must respond to the request is suspended during the time period between notice of the projected cost and the response of the requester.

Before processing a request for records, the agency may require the requester to pay any amounts owed for previous requests for records that remain unpaid 30 days or more after billing.

If the requester does not pay the outstanding fee for a previous request, he will be notified that the debt has been placed in debt set-off pursuant to the *Set-off Debt Collection Act* (§ 5821-250 et seq. of the *Code of Virginia*) and will be referred to a collection agency. Additionally, no further requests will be honored until the debt is paid. Questions regarding any outstanding debt related to a FOIA request must be directed to the Accounting Office in the Finance Division. Only the Office of Accounting has the authority to place debts in debt set-off.

It is the policy of the Department of Education to charge 10 cents per copy per page. Additionally, the agency charges for the staff time expended for accessing, duplicating, supplying, or searching for the records at the base hourly rate of the administrative support staff member who completes the task. No fringe benefits or overhead costs are to be included in the hourly rate. If the total charge for providing the requested records is less than $20.00, the charge is waived. This policy must be uniformly administered in order to prevent inequities in its application. Therefore, staff shall not waive fees of $20.00 or more.

2.7.3.4 Department Procedure for Responding to Requests for Records

2.7.3.4.1 Response to FOIA Requests by Department Personnel

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Department of Education personnel may respond directly to a FOIA request, except as specified in 2.7.3.4.2 below. A copy of the FOIA request and response must also be sent to the Department of Policy, Equity, and Communications for tracking and recordkeeping purposes.

2.7.3.4.2 Referral of FOIA Request within the Agency

Requests for records received by Department of Education personnel must be referred for response to the Department of Policy if:

- There are questions about how to respond;
- There are questions about whether an exclusion is applicable or whether it should be exercised
- The request is of a sensitive nature and is one that the Superintendent of Public Instruction should be informed of;
- The request will involve a cost to the requester; request involves several offices/divisions;
- The request is from the media; or
- The response may require review by the Office of the Attorney General.

Because the response must be provided within five working days of receipt by the agency, the request must be referred immediately.

2.7.4 Meetings

All meetings of public bodies shall be open, unless a closed meeting is authorized by the *Code*. No meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not physically assembled to discuss or transact public business, unless provided for by the *Freedom of Information Act* (for state public bodies pursuant to §2.2-3708 B.) or by title 54.1 of the *Code of Virginia* (relating to professional licenses).

The Department of Education and the Board of Education may conduct any meeting, except closed meetings held pursuant to §2.2-3711, through telephonic or video means, as long as a quorum is physically assembled at one location. Meetings may be held by electronic communication means without a quorum physically assembled in one location when:

1) The Governor has declared a state of emergency in accordance with section 44-146.17 of the *Code*,
2) The meeting is necessary to take action to address the emergency, and
3) All other statutory provisions are complied with.

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Additional members of the public body may participate in the meeting through telephonic means provided that participation is available to the public.

All locations for the meeting must be made accessible to the public. All persons attending the meeting at any of the meeting locations must be afforded the same opportunity to address the public body as persons attending the primary location. If the broadcast is interrupted, the meeting must be suspended until the broadcast is restored.

If the Department or Board of Education holds an electronic meeting, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

Please note that the agency must respond to any record request for the information provided by attendees at a meeting organized by the agency.

Consequently, Department personnel who organize meetings or conferences should make all attendees aware that information supplied by them to register for the meeting or conference would have to be released under FOIA. The following notice should be provided to meeting attendees in written form:

> *The Virginia Freedom of Information Act (FOIA), §§ 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies. The information provided by you to register to attend this meeting or conference is a public record and is subject to disclosure under FOIA.*

2.7.4.1 Notice

The Department of Education or Board of Education shall give notice of the date, time, and location of its meetings by placing the notice in a prominent public location where notices are regularly posted and in the office of the Executive Assistant for Board Relations. Notice shall also be posted on the Department of Education website and on the electronic Commonwealth Calendar.

The notice shall be posted at least three working days prior to the meeting. Notices for meetings of state public bodies on which there is at least one member appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

Notice of special or emergency meetings shall be given contemporaneously with the notice provided to members of the public body conducting the meeting.

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Notice of electronic communication meetings shall be provided at least three working days in advance of the date scheduled for the meeting. The notice shall include the date, time, place, and purpose for the meeting and shall identify the locations for the meeting.

Any person may annually file a written request for notification with a public body. The department receiving the request shall provide notice of all meetings directly to each such person. If the requester does not object, the agency may provide electronic notice of all meetings in response to such requests.

2.7.4.2 Minutes

Minutes shall be recorded at all open meetings except those designated by the *Freedom of Information Act* and shall be posted on the Internet.

Draft minutes of meetings must be posted as soon as possible but no later than ten (10) working days after the conclusion of the meeting. Final approved meeting minutes must be posted within three working days of final approval of the minutes. All minutes of meetings should be forwarded to the Executive Assistant for Board Relations.

2.7.4.3 Department Procedures for Meetings

Meetings must be conducted in accordance with the requirements of FOIA. Department of Education personnel who schedule meetings are responsible for contacting the webmaster to ensure that notice of the meeting is posted on the VDOE website.

Additionally, notices of meetings must be provided to the Executive Assistant for Board Relations for posting on the required statewide websites and minutes of public meetings must be recorded and provided in accordance with FOIA.

2.7.5 Penalty for Non-compliance with FOIA

Section 2.2-3714 of *the Code of Virginia* prescribes penalties that may be assessed against staff members of a public body for violation of FOIA.

If the court finds that a staff member has willingly and knowingly violated FOIA, it ". . . shall impose upon such member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than $500 nor more than $2000, which amount shall be paid into the State Literary Fund."

For subsequent violations, the penalty is increased to not less than $2000 or no more than $5000.

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SECTION 2.0 Administration

2.8 GRANT ADMINISTRATION

The Office of Finance is available to assist with grant administration and will validate the accuracy of all financial reports to grantor entities. Program office staff will prepare financial reports and may remit to Finance for review at least 14 days prior to report submission to the grantor entities by the program office.

VDOE routinely receives federal funds from USED and USDA that are considered to be major programs to the agency. Program offices that apply for and/or receive grant funding from other non-routine sources either as a direct recipient or as a pass-through from another entity, must complete the New Grant Program Approval & Routing Form (Parts A and B), which can be found at I:\Drive\FORMS\Grants\.

If you are considering soliciting contributions or applying for a grant from an external, private organization, the Appropriation Act § 4-2.01 Non-general Fund Revenues requires that state agencies obtain Governor's approval to do so prior to beginning the application process. Requests for submission to the Governor's Office must be submitted to the Superintendent of Public Instruction for consideration. The Deputy Superintendent of Budget, Finance and Operations will assist with submitting the approval letter to the Department of Planning and Budget. The approval process may take up to four weeks.

If you are providing federal funds to a governmental entity, in most cases a grant award should be issued unless a contract was awarded as the result of a solicitation managed by Procurement staff. For conference arrangements and similar non-competitive joint efforts, the approved Conference Planning and Approval Forms must be attached to an eVA order unless federal funds will be paid to a public institution of higher education. In that case, either a grant award or cooperative agreement may be issued. If a grant award or cooperative agreement will be issued and the governmental entity requires a signature on their agreement (i.e. Virginia Tech), the hard copy agreement must be attached to a cover page that indicates approval by the Director and Assistant Superintendent and forwarded to the Procurement Office for signature. The signed agreement is then attached to the grant award or cooperative agreement.

Another grant type is "sub-recipient," defined as any person or government department, agency, or establishment that received federal financial assistance to carry out a program through a state or local government, but does not include an individual that is a beneficiary of such a program.

If required information exceeds the one page grant notification form, a Memorandum of Understanding (MOU), which can be found at I:\Drive\FORMS\Grants, may be attached. The process for Federal Funding as it relates to non-formula sub-awards to sub-recipients in Oracle Financials is:

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- Use the Grant Award Routing Slip to route the Grant Award Notification Form(s) which can be found at I:\Drive\FORMS\Grants, and any attachments, for signature. Attachment A must be included for all sub-awards to sub-recipients. Attachment B must be included for all sub-awards to sub-recipients who are non-LEAs, non-higher education institutes (HEIs), or non-state agencies. The Office of Finance performs an annual central collection of Attachment B data for all LEAs, HEIs, and state agencies to cover all awards made within the prescribed fiscal year.
- The Office of Budgeting uses the information on the grant award notice to load Oracle Financials with the original or revised grant allocation, which is represented by a "unique" string of characters (defined as "payee-project-federal award number").
- The Office of Budgeting verifies the allocation is loaded correctly in OF, then forwards the grant award notice on for signature.
- VDOE grant managers verify allocation amounts by viewing the Oracle Financials Inquiry Report called “Federal Grant Balances by Payee w/o object.”
- Payments for sub-awards are compared to the "payee-project-federal award" totals that are loaded by the Budget Office and listed in Oracle Financials to reduce the likelihood of overpayments. In addition, Oracle Financials does not allow payment of the same invoice number to a vendor more than once, which prevents duplicate payments.
- Finance has an established methodology for creating invoice numbers when they are not supplied by the vendor or sub-recipient to ensure this control is utilized.

Compliance requirements exist for monitoring the performance of sub-recipients but not vendors. Payments to sub-recipients should be made via the Online Management of Education Grant Awards (OMEGA) system, approved standard reimbursement request forms, such as the VDOE Request for Grant Reimbursement form which can be found at I:\Drive\FORMS\Grants or, if payment is not on a reimbursement basis, on a Request for Grantee Payment form (from Federal funds or from State funds) which can be found at I:\Drive\FORMS\Grants.

If the grantee is not a state or local government, the Taxpayer ID (EIN) and address must be listed on the reimbursement form. In addition, unless private grant recipients can provide a copy of a recent audit indicating appropriate internal controls are in place, additional supporting documentation for reimbursement requests must be provided.

A sub-recipient is distinguished from a vendor by the degree of responsibility assumed to help the recipient meet the requirements of the assistance award. Follow the procedures in Section 4.1 for payments related to contracts and other vendor payments. Program areas issuing grants must advise sub-recipients of the CFDA Title and Number, Federal Award Identification Number, federal award date, period of performance, amount of federal funds awarded to VDOE, amount of federal funds awarded to sub-recipient, project description, VDOE’s name and contact information, whether the award is for research, and the indirect cost rate (stating if restricted or unrestricted), applicable laws and regulations, and the requirement for an audit in compliance with 2 CFR 200, Subpart F – Audit Requirements (OMB Circular A-133 governing audits is

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effective for VDOE through June 30, 2015). (Effective July 1, 2015, 2 CFR 200, Subpart F – Audit Requirements becomes effective.) Actual expenses should be reasonable, necessary, and properly supported. Areas where deficiencies are typically noted include, but are not limited to, the following:

a) **Requirements for maintaining time records**. For state and local governments, this is addressed in 2 CFR 200, Subpart E – Cost Principles §200.430 Compensation – Personal Services and §200.431 Compensation – Fringe Benefits. See Administrative Manual Section 5.6 for VDOE procedures that address these requirements.
b) **Audit requirements**. Audit requirements differ depending on the total amount of federal pass-through money expended by organizations. Keep in mind that the total amount means all federal funds an organization expends, not just the amount which the VDOE passes through. 2 CFR 200, Subpart F – Audit Requirements provides additional guidance in this area.
c) **Payment methods**. Payments to sub-recipients should be made on a reimbursement basis only. Payments should not be set up as advances because per the federal Cash Management Improvement Act, it would be VDOE's responsibility to ensure these funds would have to be fully expended within three days.
d) **Pre-award costs**. Pay particular attention to the timing of charges. While some grants allow pre-award costs, there is a time limit involved. Exceptions may have to be approved by the grantor.
e) **Requirements unique to the grant that are not found in 2 CFR 200**. For example, some grants do not allow indirect costs. VDOE needs to ensure the sub-recipient is not charging indirect costs. Another example is the limits placed on how much consultants can be paid. Again, the sub-recipient must also adhere to this guideline.
f) **Purchasing procedures**. Sub-recipients should be reminded that they need to comply with their applicable purchasing procedures even when purchasing services or goods with grant money. VDOE employees should not circumvent any state policies or regulations by going through a sub-recipient or subcontractor to procure services or goods.
g) **Monitoring Expenditures**. Program Office staff may obtain a monthly detailed listing of expenses charged to any project codes assigned to them from OF Inquiry and Reports and should monitor expense activity in the OMEGA and Oracle Financials systems. Expense items should be reviewed regularly to ensure that they were correctly charged to the project, and **obligated** within the allowable time period. Program offices are strongly encouraged to perform (at least) quarterly analyses of sub-recipient grant expenditures recorded in OMEGA and Oracle Financials to identify any irregularities or errors requiring correction.
h) **Monitoring Expenditures versus Budgets**. Program Office grants staff should periodically review expenses to ensure that the purchases adhere to the grant criteria. A sub-recipient should have written budget and/or program changes approved in advance by the VDOE. Program Office staff who have responsibilities related to federal grants should compare actual expenditures made by the sub-recipient against their budgets. A requirement for detailed reimbursement requests is a form of monitoring. Program Offices are strongly encouraged to perform (at least) quarterly analyses of sub-recipient

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grant award balances in OMEGA and Oracle Financials (budget versus expenditures) to identify any irregularities or errors requiring correction.

Employees with federal grant responsibilities must be aware of federal requirements related to grants management, and avoid the appearance of a conflict of interest by not accepting payment for services or travel costs from a grantee. In addition to regulations established by the grantor (usually U.S. Education Department), the federal Office of Management and Budget (OMB) publishes 2 CFR 200: *Uniform Guidance – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (Uniform Guidance), located in Title 2 of the Code of Federal Regulations.

More information about OMB and hyperlinks to these documents, can be found HERE.

Copies of these and other federal documents may be obtained by calling OMB's information line at 1-202-395-3080.

2.9 LEGISLATIVE RESPONSIBILITIES

2.9.1 Legislative Activities

The agency's legislative responsibilities include four major areas:

- Monitoring, analyzing, and responding to General Assembly action, including staff-related activities for the Superintendent of Public Instruction and the Board of Education;

- Providing oversight of the implementation of legislation and responses to study resolutions, including coordinating the preparation of studies;
- Responding to ad hoc requests from legislators and legislative staff; and
- Preparing proposed legislation for the Board of Education and the Governor.

Legislative activities are most intense when the General Assembly is in session, as the superintendent must provide information about introduced bills and data and information are sought by individual legislators.

Contacts with legislators, legislative committees, and committee staff continue throughout the year in response to requests for information, studies, and staff support.

2.9.2 Monitoring General Assembly Action

The Department of Policy serves as the primary staff to the Superintendent of Public Instruction and the Board of Education in handling legislative affairs. Staff support includes:

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- Monitoring committee and subcommittee action;
- Tracking legislation during the General Assembly session;
- Preparing legislative action summaries, status reports, and briefings;
- Disseminating legislative tracking reports and posting them on the VDOE website;
- Notifying school divisions about statutory changes that impact Virginia's public schools;
- Identifying all requests for information, staff support, or studies that require action by the superintendent, the agency, or the Board;
- Working with other divisions to respond to requests for information and briefings; and
- Providing information to legislators, legislative staff, and others.

The Department of Policy generally serves as the Office of Primary Responsibility (OPR) for requests and contacts with legislators throughout the year and provides background information to other Department personnel responsible for legislative studies or monitoring. Other divisions may be asked to respond to requests for information from legislators or legislative committees and may be given responsibility for monitoring particular study commissions dealing with issues in their specific areas.

When the General Assembly is in session, the Department of Policy identifies critical K-12 legislation, provides research and analyses of these issues, and prepares legislative action summaries in consultation and cooperation with the appropriate division staff and assistant superintendent. The legislative action summary contains key information about the particular bill and includes facts and data that describe the bill's impact on the agency, school divisions, parents, pupils, and other stakeholders.

Board members, the Superintendent of Public Instruction, and the Secretary of Education use the legislative action summary when working with legislators and testifying before legislative subcommittees.

Legislative action summaries are confidential working papers of the Governor and are shared with other agencies and individuals only at the direction of the Superintendent of Public Instruction or the Secretary of Education's Office.

The Department of Planning and Budget (DPB) reviews all legislation for fiscal implications and coordinates the development of fiscal impact statements. The Department of Education's Division of Budget, Finance and Operations assists in the development of fiscal impact statements for DPB, upon request.

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The Department of Policy maintains copies of legislation and related analyses from the two most recent sessions of the General Assembly for reference by Department staff.

2.9.3 Providing Oversight for the Implementation of Legislation

At the end of each session of the General Assembly, the Department of Policy identifies all requests for information, staff support, or studies assigned through bills, resolutions, or by letter that require action by the Superintendent of Public Instruction, the Board of Education, or the Department of Education.

A *Responsibilities Document* is developed and presented to the executive team. This document includes each bill, resolution, or request, describes the required action, and designates the responsible division and due dates.

The designated assistant superintendent is responsible for meeting all established requirements and deadlines. The Department of Policy updates the *Responsibilities Document* each month, and provides progress reports to the superintendent.

The Department of Policy notifies school divisions by superintendent's memoranda of all K-12 legislation at the end of the legislative session. As each item on the *Responsibilities Document* is completed, the Department of Policy drafts a letter for the Superintendent of Public Instruction's signature to inform the chief patron that the legislation is being implemented.

According to the *Code of Virginia*, §30-34.15, any report prepared in response to study resolutions or requested by laws enacted by the General Assembly, whether final or interim, must be prepared in accordance with *House and Senate Document Processing Guidelines* in compliance with requirements of the Division of Legislative Automated Systems (DLAS). Internal Department procedures are followed for other reports to the General Assembly.

All reports and transmittal letters must be approved by the appropriate director and assistant superintendent, and reviewed by the Department of Policy prior to being submitted to the Superintendent of Public Instruction for final review and approval. When approval is obtained, the originator must send the final draft in an electronic version to the Department of Policy along with the transmittal letter for the Superintendent of Public Instruction's signature. The Department of Policy then submits the report and transmittal letter to DLAS for printing and distribution to legislators.

The Department of Policy also prepares, for the General Assembly and its members, other reports that are not subject to the DLAS standardized format. They include status or briefing reports that describe the progress or standing of a current project or program.

These reports should include an introduction and background information and may include narrative, charts, or graphs, as helpful or necessary. The agency has a standardized

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format for preparation of the reports. Each division must submit these reports to the Department of Policy through the appropriate director and assistant superintendent prior to submission to the superintendent for final review and approval.

Technical assistance and support for legislative reports are available from the Department of Policy.

2.9.4 Responding to Ad Hoc Requests from State and National Legislators and Legislative Staff

In order for the Superintendent of Public Instruction to have complete information on a legislator's interests and concerns, the Department of Policy should be informed of requests from legislators, and provided with copies of information given to legislators and legislative staff throughout the year.

This information is maintained in the individual legislator's file. Any request for fiscal or budgetary information should be discussed with the Division of Budget, Finance and Operations before responding.

2.9.5 Preparing Proposed Legislation for the Board of Education and the Governor

Occasionally, the Department of Education may propose legislation, or may be asked to draft legislation at the request of the Board of Education or the Governor's office. The Department of Policy works with the Superintendent of Public Instruction in coordinating these assignments with the divisions, and takes the lead in preparing these proposals for review by the Attorney General's office and the Secretary of Education.

Generally, each Governor issues an executive order describing the policies and procedures to be followed by executive agencies in coordinating legislative activities. Executive branch employees may not approach members of the General Assembly regarding the sponsorship or initiation of legislation. The Department of Policy should be contacted for any other guidance needed on this subject.

2.9.6 Making Presentations Before Legislative Committees

When a Department of Education staff member is required to make a presentation before a legislative committee, the staff member must coordinate the presentation with the Department of Policy.

All presentations for legislative committees must be prepared at least two days in advance of the committee meeting, and submitted to the Department of Policy. The Department

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of Policy will review the presentation, and then forward the presentation to the Superintendent of Public Instruction for review.

Any staff member making a presentation to a legislative committee is responsible for preparing copies of briefing materials for members of the committee and the public.

2.10 LOSS of PROPERTY

Loss of property (state or personal) should be reported immediately to the building principal and to the Capitol Police (6-2120). Lost Department of Education fixed assets must be reported to the Office of Finance.

Lost VITA fixed assets (computers, PC, printers, etc.) must be reported the agency ISO via email to infosec@doe.virginia.gov. It must also be reported to VITA by filling out a security incident form online. Instructions and the online form can be found on the VITA website.

2.11 MAIL SERVICES

2.11.1 Policy

All correspondence relating to Department of Education business should be sent through the mailroom on the lower level of the James Monroe Building. Mail is picked up and distributed three times each day to all divisions in the agency. Employees are to adhere to the guidelines for mailing correspondence in accordance with the following procedures. The Department of Education utilizes overnight services of United Parcel Service (UPS) and Federal Express (FedEx). Use of FedEx should be restricted to emergencies only. For details regarding delivery times and costs, please contact the mailroom.

State Mail Services (operated by the Department of General Services) handles all incoming and outgoing agency mail. State Mail Services has criteria that make mail acceptable for processing. State Mail Services will sort and meter outgoing mail in the most effective method unless otherwise specified.

2.11.2 Guidelines for Mailing Materials Preparation

Use the proper size envelopes for mailing. Using a larger than required envelope wastes postage. Check with the mailroom staff when you are planning a mailing to determine the proper mail piece design, address, quality, and most efficient postage and delivery time.

The envelope used must be suitable to be sealed by the mail equipment. Listed below is the guideline for the recommended number of pages (8 1/2 x 11, 20# paper) to be mailed in each size envelope in stock:

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ENVELOPE	MAXIMUM NUMBER OF PAGES
Long White, #10	8
White 6 x 9	15
Half Fold, 7 1/2 x 10 1/2 Kraft	20
9 1/2 x 12 ½, Kraft	50
12 ½ x 15, Oversize, Kraft	51 +

Attach mailing labels correctly and securely to all envelopes. Mailing equipment in either the agency or in the post office may tear loose labels.

Long white envelopes should be stacked with flaps open and overlapping. When working with long white envelopes, under an ounce in weight, please ensure that the address labels are not handwritten so that the envelopes may be run through the State Mail Services' presort equipment.

Envelopes containing exactly the same amount of material should be bound together with rubber bands to keep mail sorting to a minimum. Special mail (such as out-of-country or postage paid envelopes) should be kept separate and not bound with other mail. Envelopes containing electronic storage devices should be marked appropriately. This will alert the mailroom staff to hand stamp the envelope.

A messenger will pick up the last mail at 2 p.m. each day. State Mail Services knows postal requirements and regulations and is responsible for seeing that all material is mailed without delay at the best possible rate. Mail requiring attention should be discussed with the mailroom staff.

Give the mailroom staff as much notice as possible when you know there will be a mass mailing requiring a large number of envelopes, boxes, etc. This will enable the staff to guarantee that there are enough supplies to complete the mailing promptly.

Inter Department mail should have complete addresses. The minimum address must include the recipient's name, agency name, street address, and building name, if applicable.

Errors in preparing the mail will be corrected by the mailroom staff whenever possible. Mail that cannot be corrected by the mailroom staff (such as incomplete addresses) will be returned to the sender. This causes delays that could be avoided by more careful processing.

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A Request for Mass Mailing Form (Long White, #10 - more than 200 pieces of mail; all Kraft envelopes - more than 100 pieces of mail) should be completed for large mailings. This form assists the mailroom staff in locating the originator of the mailing in case of questions and allocating the postage charges for mass mailings.

Advance notice of mass mailing is encouraged to provide timely service; complete the mail form located on the common directory at I:\Drive\FORMS\Mailing Request Form\Mail and send via e-mail to the mailroom. Your mail will be picked up and processed as soon as possible.

2.11.3 United Parcel Service (UPS)

The agency has a mandatory state contract with United Parcel Service (UPS) for both overnight and ground delivery service. Overnight service consists of Next Day Air, 2nd Day Air, and 3-Day Select, as well as international service. Overnight shipments should be in UPS packaging and be accompanied by a completed UPS shipping document with accurate physical address of recipient, the project code to be charged, shipping date, and shipper's signature.

The agency does not allow overnight packages to be sent to the following locations: Chesterfield County, Colonial Heights, Goochland County, Hanover County, Henrico County, Petersburg, Powhatan County, and Richmond City.

Ground service consists of delivery of parcels that weigh more than 11 ounces (approximately 60 sheets of standard paper).

Such parcels should be correctly packaged and should have a completed address label, including a street name and number, affixed. UPS cannot deliver to a post office box. Please contact the mailroom staff for address and packaging requirements.

All UPS ground and overnight parcels should be in the mailroom on the service level, packaged, processed, and ready for pickup by 4 p.m. each business day.

2.11.4 Federal Express (FedEx)

The agency can use Federal Express (FedEx) only for express delivery if the recipient pays the cost of the shipment. The shipper should complete a FedEx air bill for the shipment including the recipient's account or credit card number. The shipper should then call FedEx at 1-800-GOFEDEX and arrange for the shipment to be picked up.

2.12 MEDIA RELATIONS

2.12.1 General Statement

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The purpose of this policy is to provide Department of Education personnel with the guidance they need to assist — promptly and effectively — the Office of Media Relations in fulfilling its responsibility as the agency's conduit to the news media and to ensure that communications with the news media are accurate and consistent with Department of Education and Board of Education positions and policies.

2.12.2 Procedures for Responding to Calls and Inquiries

Department personnel receiving an inquiry from the news media should refer the reporter to the Office of Communications.

Members of the Cabinet, and those they designate, may deal with inquiries directly or, at their discretion, refer the matter to the Office of Media Relations.

2.12.2.1 Initial Inquiries

Department personnel receiving an inquiry from a news media representative should take notes on the information requested.

This information should be sent immediately by e-mail to the Office of Media Relations. Personnel in the Office of Media Relations will contact the reporter to provide the information requested and determine if an interview with other Department personnel or other action is needed.

2.12.2.3 Fulfilling Requests

If additional information or action is needed, personnel in the Office of Media Relations will contact the appropriate assistant superintendent.

Upon request, the Office of Media Relations will assist the agency staff person in arranging for an interview or other action.

Following the interview with the reporter, the agency staff person should send an e-mail message to the Public Information Officer and the Director of Media Relations with details of the interview and the agency's response.

2.12.2.4 Release of Documents to News Media

If a reporter requests a copy of a report or other public document, the staff member receiving the call should send the document to the reporter as soon as possible, following the Department of Education's policy under the Virginia Freedom of Information Act. An e-mail message should be sent to the Director of Communications and to the Public Information Officer, providing details of the request and the response.

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2.12.3 News Releases and Media Advisories

The Office of Media Relations is responsible for determining the appropriateness and need for news releases or media advisories for Department events, reports, or other items of interest to the public.

The Office of Media Relations is the portal through which accurate and consistent information and news passes. The Office of Media Relations is responsible for writing news releases, securing approval and distributing them electronically to a master list of media organizations.

The Office of Media Relations is responsible for drafting, securing approval and distributing Department news releases using pertinent information supplied by the appropriate Department staff. Although not necessary, Department staff are welcome to submit draft releases for consideration.

Department staff are encouraged to discuss potential topics for Department news releases with the Office of Media Relations. Before requesting a news release, staff should consider the following questions:

- Is this information newsworthy?
- Is this information timely, informative or educational?
- Will this story be of interest to a large portion of the public?
- Does this story speak of a special noteworthy event or something that would have special significance to K-12 public education?
- Is this news unique?
- What are the key elements — who, what, where, why, when, how — necessary to draft a release?

Once the subject and desired distribution date is determined, the news release approval process is as follows:

- Office of Media Relations prepares draft release and sends to requesting Department staff for review for accuracy and for preliminary approval.
- Once Department staff review and return the draft release, the Office of Media Relations makes any necessary changes.
- The proofread copy is submitted to the Superintendent of Public Instruction for final approval.
- The Office of Media Relations distributes the approved news release to news media and division public information officers and posts the release on the agency website. The

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approved release also is sent to the Superintendent of Public Instruction's senior administrative assistant for distribution to division superintendents and to the Director of Board Relations for distribution to Board of Education members.

2.12.4 News Media Opportunities

On occasion, Department-sponsored events or activities provide the opportunity to demonstrate or highlight Department efforts which may be of interest to the general public via coverage from media outlets.

The Office of Media Relations should be consulted as early as possible to determine the appropriateness of a news conference or media event or availability.

2.13 OFFICE OF THE ATTORNEY GENERAL (OAG)

2.13.1 Requests for Legal Advice

2.13.1.1 Statutory Authority

The *Code of Virginia,* §2.2-507, requires the Office of the Attorney General to provide all legal services in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge. This includes the Department of Education.

While agencies may utilize the services of attorneys licensed by the Virginia State Bar, the Office of the Attorney General must provide the legal services as required by §2.2-507 of the *Code of Virginia*.

Use of attorneys other than those from the Office of the Attorney General must be pre-approved by the Superintendent of Public Instruction or his or her designee after the Governor has certified the need for independent legal counsel pursuant to special conditions and restrictions on expenditures in the Appropriation Act and § 2.2-510 of the *Code of Virginia*.

2.13.1.2 Legal Services

State agencies may seek the legal services of the Office of the Attorney General in a variety of circumstances.

These include, but are not limited to, contract review, federal plan review, regulatory review, legal interpretations of statutes and regulations, advice involving issues of law, and assistance with litigation involving the agency. The services may be provided orally or in writing, and may include informal and formal opinions.

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2.13.1.3 Legal Opinions

Department staff members do not have the authority to render legal advice or provide interpretations of the *Code of Virginia* to school divisions or members of the public. School divisions should be referred to local school board legal counsel in circumstances where legal advice is needed and requested. Members of the public should be referred to private legal counsel or seek reduced-cost legal services from applicable public entities.

2.13.1.3.1 Informal Opinions

A written or oral informal opinion may be sought from the assistant attorney general assigned to the agency. If it is in writing, the opinion is usually communicated under attorney-client privilege and is exempt from public disclosure under the *Virginia Freedom of Information Act*. The opinion is clearly identified as "informal" and is not rendered as a "formal" opinion as prescribed by §2.2-505 of the *Code of Virginia*. Department staff should consider any advice provided by the Office of the Attorney General confidential and should refrain from disclosing such advice to persons outside of the agency t unless required by law. Any staff member having questions regarding legal advice or the disclosure of legal advice should contact staff in the Department of Policy, Equity, and Communications prior to communicating with any individuals outside of the agency.

2.13.1.3.2 Written Formal Opinion

A written formal opinion is an opinion given by the Attorney General under §2.2-505 of the *Code of Virginia*.

Agency heads are authorized to seek a formal opinion when needed; however, the Attorney General may only render an opinion if the question presented is directly related to the discharge of the duties of the official requesting the opinion.

2.13.2 Department Policy for Referring Issues to the Office of the Attorney General

2.13.2.1 Procedures

The Department of Education may refer issues to the Office of the Attorney General. However, staff members are not permitted to contact the Office of the Attorney General directly, unless authorization has been received from the Superintendent. Only matters of official Department business are to be discussed with the Office of the Attorney General.

When an issue arises that may need to be referred to the Attorney General, it should be discussed with the appropriate assistant superintendent(s). The procedures outlined below must be followed when referring an issue to the Office of the Attorney General.

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2.13.2.1.1 Issue Definition

Define the issue that is to be referred. Include a statement of the issue to be addressed, an outline of the facts pertaining to the issue, the identification of any other issues that could affect the response, and a recommendation, if appropriate. This information should be prepared in written form and include any supporting documentation.

The information should include the name and telephone number of the agency staff member who should be contacted for additional information. Upon request, the Department of Policy, Equity, and Communications will provide a form to staff that can be used to define and describe the issue

2.13.2.1.2 Forwarding Proposal to Primary Office of Responsibility

Forward the proposed referral to the Department of Policy, Equity, and Communications for coordination of the referral of the issues to the Office of the Attorney General.

The appropriate staff member will determine whether the Superintendent of Public Instruction should review and pre-approve the referral.

2.13.2.1.3 Exemptions

Referrals to the Office of the Attorney General that traditionally have been made directly by personnel in the Department of Education in the normal course of business (i.e., contract review, Literary Fund applications) are exempt from these procedures.

2.13.3 School Division and Constituent Requests

2.13.3.1 School Division Requests

Requests from individuals in school divisions should only be considered for referral to the Office of the Attorney General if the issue has statewide implications. Otherwise, the individual should be referred to the local school board attorney or the Virginia School Boards Association's legal staff.

Please see section 2.13.1.3 for additional information.

2.13.3.2 Constituents Requesting the Department of Education to Seek the Attorney General's Advice

It is inappropriate for Department of Education staff to refer issues to the Office of the Attorney General on behalf of constituents.

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2.13.3.3 Request for Written Formal Opinion

A request for a written formal opinion under §2.2-505 of the *Code of Virginia* is rarely sought.

The Superintendent of Public Instruction is the only person within the agency who can make such a request. In most instances, the Department of Education may receive necessary advice without requesting a written informal opinion.

2.14 OFFICE SUPPLIES

When ordering office supplies, the following guidelines should be followed:

- Office supplies for conferences should be ordered from an approved vendor following the procurement guidelines in Section 4.1.
- Requests for supplies furnished through the warehouse must be requested through the Order Office Supplies (OOS) application in SSWS.
- Designated contacts in OOS can be added by a director's EIM request.
- If supplies are to be charged, specify a cost code and project code. Orders should include identification of the service or division and floor number so the supplies can be delivered to the proper location.
- Office supply items will be sent with the mail delivery.

The supply request form is also an inventory of the items the supply room stocks. Orders should specify the items and number needed. When ordering office supplies, please allow a minimum of two working days for receipt of the order.

2.15 PERIODICAL/PROFESSIONAL INFORMATION SERVICES

The Library of Virginia offers access to numerous in-house databases:

Find It Virginia requires a Virginia public library card. It is another collection of databases providing access to resources such as newspapers, magazine and journal articles, and books such as encyclopedias.

The Library of Virginia's staff also provides research assistance to state employees in person, by phone, by fax, or through the Research Request Form for State Officials and Employees.

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SECTION 2.0 Administration

2.16 RECORDS MANAGEMENT

2.16.1 Statutory Requirements

Department records must be managed in accordance with these requirements in order to ensure that the Department of Education is in compliance with the *Virginia Public Records Act*. If records are not maintained correctly, this may also lead to the agency's inability to respond to a *Freedom of Information Act* request in compliance with this law.

The *Virginia Public Records Act*, at §42.1-79, vests the Library of Virginia with the archival and records management function for the Commonwealth of Virginia.

Section 42.1-85 of the *Code of Virginia* requires each agency with public records to cooperate with the Library of Virginia in conducting surveys and establishing a program for the management of the agency's records.

This section also requires each agency to designate at least one records officer to serve as a liaison to the Library of Virginia for the implementation and oversight of a records management program and the coordination of the legal disposition of obsolete records.

2.16.2 Procedures for Records Management

Department of Education records must be retained, discarded, or destroyed in accordance with disposition schedules approved by the Library of Virginia. The schedules are mandatory and, therefore, must be followed.

At least annually, based on the *General Records Retention and Disposition Schedules for Virginia State Agencies, and VDOE-specific schedules* (posted on the I:\Drive\Records Retention Schedules), the retention schedules for the Department of Education, the records of each administrative unit should be reviewed to ensure compliance with these schedules. The schedules are available on the Library's website at or from the agency's records officer.

If VDOE personnel determine that records should be transferred or destroyed, a *Records Transfer List and Receipt* (Form ARC-1) *or a Certificate of Records Destruction* (Form RM-3), must be completed and sent to the Department of Education's records officer for signature and approval prior to any action taken on the disposition of state records. Forms may be accessed on the Library of Virginia's website.

Contact the Department of Education's records officer for questions related to records in any format: paper, electronic, microfilm/fiche. Areas of assistance include the following:

- Retention periods for records

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- Preparation of retention and disposition forms
- Records storage, for nonpermanent records
- Archiving for permanent records
- Records disposal, including unique requirements for records containing personally identifiable information (PII), such as social security numbers
- Preparation of unique agency records retention schedules for records not covered by the general schedules for state agencies

In order to facilitate the correct retention, destruction and transfer of Department records, each unit within a division should designate a staff member to be responsible for the correct management of that section's records. All questions regarding local school division records should be referred to the records analyst at the Library of Virginia.

2.16.3 Department of Education Records Center

The Department of Education maintains a records center in the lower level of the James Monroe Building.

Records that must be retained by the agency for a short time in accordance with a retention schedule may be stored there. However, in order to comply with the Library's retention schedules, staff responsible for those records must ensure that they are removed when the retention period has expired. To have records stored in the agency records center, contact the Director of Support Services.

2.16.4 Library of Virginia Records Center

The Library of Virginia maintains a center for the storage of inactive, nonpermanent records that must be retained for a significant period of time. The Library charges a monthly fee for records storage in its center. To have records sent to the Library of Virginia Records Center, contact the Department of Education records officer.

The Library also provides shredding services for large scale destruction of sensitive records. Contact the Department of Education's records officer for more information including alternative shredding options.

2.16.5 Library of Virginia Archives

The Library of Virginia maintains the archives for all Commonwealth of Virginia records that must be retained permanently. These records have an enduring administrative, fiscal,

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historical, or legal value. Once records are moved to the Archives, they become the property of the Library and no longer belong to the Department of Education.

To have records sent to the Library of Virginia Archives, contact the Department of Education records officer.

2.17 SOCIAL SECURITY NUMBERS

2.17.1 Requesting Social Security Numbers

The Privacy Act of 1974 requires that any federal, state, or local government agency that requests a person's Social Security Number (SSN) must inform such person of the following "Privacy Act Notice:"

1. The authority (statutory or other authority) which authorizes the solicitation of the information;
2. Whether disclosure of such information is mandatory or voluntary; and
3. The principal purposes for which the information is intended to be used.

In addition, the act makes it illegal for federal, state, and local government agencies to deny any rights, privileges, or benefits to individuals who refuse to provide their SSNs unless the disclosure is required by federal statute, or the disclosure is to any agency for use in a record system which required the SSN before 1975.

Any unit within the agency that requests an individual's SSN must provide the "Privacy Act Notice" in writing to the individual. All units requesting SSNs are responsible for determining the statutory or other authority permitting such request. When requesting an SSN, each unit should consider whether that information about the individual is relevant and necessary to accomplish a purpose of the agency.

2.17.2 Use of Social Security Numbers for Debt Collection

Pursuant to § 2.2-4800 et seq. of the *Code of Virginia*, it is the policy of the Commonwealth that all state agencies and institutions shall take all appropriate and cost-effective actions to aggressively collect all accounts receivable. Additionally, § 58.1-520 et seq. of the *Code of Virginia* requires all state agencies and institutions to participate in the set-off debt collection program.

This program permits a state agency or institution to set-off delinquent debts owed to a state agency or institution against an individual debtor's state or local income tax refund.

Section 58.1-521 of the *Code of Virginia* and 23 VAC 10-380-60 of the Virginia Administrative Code requires state agencies and institutions to obtain and submit an individual's

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SSN to the Department of Taxation when making a claim under the set-off debt collection program.

Each claimant agency, whenever possible, shall obtain the full name, SSN, address, and any other identifying information from any person for whom the agency or institution provides any service or transacts any business, and who the claimant agency or institution can foresee may become a debtor of the agency or institution.

2.18 ELECTRONIC SIGNATURES

"Electronic signature" shall mean an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. (*Code of Virginia*, § 59.1-480)

"Security procedures" shall mean a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for, detecting changes or errors in the information in an electronic record.

The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgement procedures. (*Code of Virginia*, §59.1-480)

To the extent allowed by the *Code of Virginia* §59.1-479 et seq., the Virginia Department of Education authorizes the use of electronic signatures in conducting the business of the agency through automated transactions. Currently, the Department of Education's security procedures primarily consist of accepting electronically signed information through the use of pre-assigned electronic identification and user-selected password.

The Virginia Department of Education reserves the right to designate the various reports, documents, and other information that may be submitted with an electronic signature, unless otherwise specified in federal or state law. The Department of Education may specify the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process.

Any party agreeing to use an electronic identification and password is responsible for ensuring the confidentiality and security of the pre-assigned electronic identification and user-selected password. Authorized individuals should be restricted to those persons designated by statute or regulation, or otherwise appropriately authorized persons.

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SECTION 3 Building and Equipment

3.1 FACILITY ACCESS

3.1.1 James Monroe Building Off-Hours Access

All employees are issued building identification badges. The Department of General Services (DGS) issues these badges and the Office of Support Services will coordinate the photo session and ID issuing. Identification badges are to be worn and displayed at all times inside the building. When entering the building from the 14th Street and Franklin Street entrances, employees must show their ID badges to the security guard.

The ID badges of employees having parking privileges in the James Monroe parking deck are programmed to provide access to the deck by operating the arms at the A, B, and C entrances. Access to the building is gained by placing the ID badges close to one of the card readers provided at various locations in the building.

All full-time employees' badges are programmed to provide twenty-four hour access into the building. Temporary personnel, contract employees, and other part-time employees must obtain a Capitol Police clearance before they can be issued James Monroe building access badges. These employees are issued badges with restricted building access levels, unless otherwise requested, on a case-by-case need expressed by the assistant superintendent of a division. Employees with a restricted building access level may not remain in the building after normal building hours.

All employees who have after hours and holiday building access privileges may access the building after hours and on holidays by placing their ID badges in close proximity of the card reader next to the double doors at the Franklin Street entrance. All employees entering the building after working hours are required to sign in (and out when leaving) on the visitors' register at the guard's desk at the Service Level entrance door. All guests accompanying employees also must sign in and out on the visitors' register. For security and safety, it is recommended that guests be restricted to people who need to enter the building for business purposes.

After normal working hours guests' access to the building should be restricted to the area in which their services are required. ID badges shall not be loaned to or borrowed from other employees. All temporary personnel need to obtain a security clearance from the Capitol Police, before an application for an ID badge is processed.

A $15.00 fee is charged by the Department of General Services for lost or stolen badges. Payment will be made by a personal check or bank check written to the Treasurer, Commonwealth of Virginia at the time a replacement badge is issued.

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3.1.2 James Monroe Parking Deck Access

Only employees with parking privileges may park in this building's deck. All vehicles parked in the deck must be registered with the Department of Office of Human Capital, and also have the parking tag visibly displayed while parked in the deck. The Department of Education is assigned a certain number of parking permits for the James Monroe Building deck and parking privileges are granted to employees as parking slots become available.

Access to the James Monroe Building parking deck is through gates at level A (A-gate), level B (North and South gates) and Level C (C-gate). All gates to the deck are open between the hours of 6 a.m. and 9:30 a.m., and 3:30 p.m. and 7 p.m. on regular working days. The deck can be accessed and exited between the hours of 9:30 a.m. and 3:30 p.m. through gate B South only.

After hours and on holidays, the parking deck can be accessed and exited through parking Level C gate only. Employees who park in the deck, on holidays, and after hours, and then access the building through the parking deck doors must also go to the Service level and sign in, and sign out before leaving the building.

3.1.3 Outside Vendor/Contractor Building Access

All outside contractors and vendors, performing services for the agency, must obtain a Capitol Police clearance before they are issued a James Monroe Building access badge and are allowed to work in the building.

All contractors doing work after hours or on weekends must be accompanied by a full-time VDOE staff member. Contractors must display their Capitol Police ID as well as the building access badge at all times while in the building.

3.1.4 Contract Employee Building Access

Temporary personnel, contract employees, and other part-time employees must obtain a Capitol Police clearance before they can be issued James Monroe Building access badges. These employees are issued badges with restricted building access levels, unless otherwise requested, on a case-by-case need expressed by the assistant superintendent of a department. This process starts with the hiring office entering the personal information of the contract employee into the Non-DOE Employee Maintenance feature of SSWS sixty days prior to the arrival of the employee. The Office of Support Services will process the I.D. badge application and forward it to the Capitol Police for action. All personnel working in the building must have a DGS issued badge prior to the start of their work.

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SECTION 3 Building and Equipment

3.2 COPIERS and PHOTOCOPY SERVICES

3.2.1 Convenience Copiers

Copy machines are located on all floors of the agency. All copiers are leased on an annual basis. For large print jobs over 1,000 impressions, please contact the print shop.

Personal use of the copy machines is not permitted. The machines are operated by the user; please follow the instructions on the copier. Key operators should be notified of any copier malfunctions.

3.2.2 Copy Services (Service Level)

The Print Shop operates one high-speed photocopy machine on the service level of the James Monroe Building. This machine is designed to handle large jobs.

The following procedures should be followed when copy services are requested:

- All originals should be typed on white bond paper. All photocopying should be completed from originals.
- Instructions for preparing originals are as follows:
  - Margins for copy should be at least one-half inch at the top and bottom and on both sides of the page.
  - Copy should be typed neatly and should be clean and legible.
  - Originals should be sent to the Print Shop in interdepartmental envelopes to avoid smudges, folding, etc., while in transit or they can be e-mailed to the print shop technician.
  - Originals should be sent to the Print Shop well in advance of the date copies are needed. Long documents and collating require additional time. Complex documents, and those that need extensive binding, folding, or other finishing work, cannot be handled (see section 3.2.3).
- All jobs will be completed on a first-come, first-served basis.
- Jobs that are two or more pages in length routinely will be copied on both sides of the paper.
- The copy center is staffed from 8:00 a.m. until 1:00 p.m., Monday through Friday.
- The Request for Copy Services Form must be completed and include the designated cost code and date needed. "ASAP" and "Immediately" are not acceptable responses. This form must be attached to all job requests.

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- Delivery and pickup of materials will be provided on the regular mail schedule. Material also may be hand-carried to the service level center.

3.2.3 Commercial Printing

Commercial printing may be necessary if jobs cannot be completed in the agency. Commercial printing services must be coordinated through the Office of Procurement; also see Section 4.1.6 pertaining to printing.

3.3 ELEVATORS

Elevator malfunction problems shall be reported immediately to the building principal using Form EC100 that may be found on the common directory at I:\Drive\FORMS\ELEVATOR FORM\ELEVATOR.

In case of elevator malfunction after office hours, or on weekends or holidays, the Capitol Police should be contacted at 786-2120. A written report should be filed with the Office of Support Services on the next working day.

3.4 EMERGENCY EVACUATION PLAN

3.4.1 Policy

All employees must familiarize themselves with the James Monroe Building Evacuation manual, a copy of which can be obtained on the I:\Drive\COOP (Continuity Planning)\Emergency Planning\Occupant Emergency Action Plan (OEAP). In case of an emergency, all employees will follow the instructions broadcast over the emergency speakers, and the instructions given by the zone and floor wardens. The floor warden has total authority of a floor, except when the agency warden is present. Any employee who feels that he/she may not be able to leave their designated floor because of either a temporary ailment or permanent ailment or disability must inform the Office of Human Capital. This will enable the building principal to arrange for assistance to help them evacuate their floor in an emergency.

All staff, irrespective of the nature or urgency of their work, will evacuate as instructed by the wardens of the floor. Any employee who disregards instructions or refuses to evacuate will be reported to the Fire Department and Capitol Police, and may be forcibly removed from the building. Failure to evacuate or follow directions during an emergency may also result in disciplinary action with the issuance of an official Written Notice and/or imposed civil fine by the Fire Department.

3.4.1.1 Partial Evacuation

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In case of a partial building evacuation, employees affected will use the stairwells and proceed to the designated area of safe refuge, as instructed by the floor wardens and the voice enunciators. Upon arrival in the area of safe refuge, they will congregate in areas as instructed, and remain there for a head count. Once the emergency is over, they may return to their area of work when instructed by the voice enunciators and approved by their floor warden.

3.4.1.2 Total Evacuation

When a total building evacuation is ordered over the emergency broadcast system, all employees must follow the instructions issued by the zone, elevator, stairwell, and floor wardens.

Employees located on floors other than their home floor will leave from the floor they are on when the emergency is announced, and not try to go back to their home floor. They will follow instructions issued by the wardens of the floor they are located on.

All employees located on the upper floors 18-25 will proceed to the stairwells as directed and walk to the lobby, exit the building through the 14th Street entrance located next to the credit union.

They will then walk across the pedestrian bridge over 14th Street, and proceed to Governor Street for assembly on the sidewalks adjacent to Governor Street. If for any reason whatsoever, it is not physically possible to go to Governor Street; employees should proceed to the Farmer's Market at the corner of Main and 17th Streets, which is the agency's alternate point of assembly. Please see the evacuation plan in the Emergency Evacuation Procedures folder located on the I:\Drive\COOP (Continuity Planning)\Emergency Planning.

Employees located on the service level will exit from the Franklin Street entrance and proceed to either the main point of assembly or to the alternate point of assembly as explained earlier.

Floor wardens will conduct a head count at the designated points of assembly, and staff will remain there until the emergency is over, or until instructions are issued directing the employees to relocate or other such instructions as may be necessary.

3.4.1.3 Elevators

In case of an emergency, elevators must not be used to evacuate the building, even if the elevators have not been recalled and shut down. However, the elevators may be used in these exceptional cases: when the emergency speakers clearly announce that normal means of evacuation may be used to evacuate the building and the floor warden authorizes their use, and when emergency personnel are manning the elevators.

3.4.1.4 Special Needs Personnel

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Employees who have requested assistance for evacuation in case of an emergency must follow instructions issued by the floor warden and wait in designated areas of safe refuge until the emergency personnel arrive and evacuate them.

Employees who have temporary special needs requiring them to need assistance during an emergency evacuation must inform the Office of Human Capital. Once a condition returns to normal, the employee should contact the Office of Human Capital to have their name removed from the special needs personnel list.

3.4.1.5 All Clear Signals

No one will re-enter the building until the DGS authorized representative, the fire chief, or the Capitol Police have given an "All Clear" signal.

3.5 COMPUTER EQUIPMENT

This section covers leased and Department owned computer equipment provided the VITA Program. See Section 4.6 for policies and procedures related to other VDOE equipment.

3.5.1 Overview

The computers and computer infrastructure in place at the Department of Education is largely owned and maintained by third-party vendors under contract with the Commonwealth of Virginia and managed VITA.

Helpful information on the use of your computer and the VDOE network can be found in the “VITA Information” folder on the I:\Drive.

3.5.2 Computer Problems

Report all problems related to VITA Program issued computers by sending an e-mail to the VITA Customer Care Center (VCCC): VCCC@vita.virginia.gov; or by calling the VCCC at 866-637-8482. The VCCC provides 24/7 support for computer problems. A technician will be dispatched to work with you.

3.5.3 New Employee Computer and Telephone Setup

Directors must contact the VITA Customer Care Center Help Desk (VCCC@vita.virginia.gov) to request installation and setup of computers for new employees or contractors. Five working days advance notice is requested.

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For telephones, all requests for purchase, repair services, relocation of equipment, changes in service, and new installation must be arranged through the Office of Support Services. Note that new telephone lines may take up to four weeks to be installed.

3.5.4 Computer Equipment Moves

Place a request with the VCCC to have a VITA- issued computer moved to another location in the agency.

3.5.5 Computer Remote Access/Home Equipment

Employees may access their e-mail, SSWS, and the VDOE website using any Internet-connected computer without prior approval. Remote access via VPN to internal network resources such as the I:\Drive, or Oracle applications is restricted to VITA- issued computers.

Computer equipment must be safeguarded against theft or damage in transit and while it is being used. Common sense precautions, such as not leaving assets unattended in public places or unlocked vehicles, etc., shall be followed.

When a person leaves employment with the Department of Education, any computer equipment or supplies purchased by VDOE must be returned to the supervisor for future use by the agency. When the equipment is returned to the supervisor, the following information must be added to the Employee Separating Checklist located in the Office of Human Capital:

- Date returned
- Employee signature
- Supervisor signature

The supervisor should maintain the form and a copy, serving as a receipt, should be given to the employee.

3.6 HAZARDOUS CHEMICALS (HAZARD COMMUNICATION PROGRAM)

3.6.1 General Information

Based upon guidance from the federal Occupational Safety and Health Administration (OSHA), the Virginia Department of Education offices located in the James Monroe Building are considered to be an “office setting” and are not subject to the OSHA Hazard Communication

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Standard and the requirement to maintain an active hazard communication program for its employees. OSHA considers most office products used in an office setting, such as pens, pencils, and adhesive tape, to be exempt under the provisions of the standard.

However, should a Virginia Department of Education employee discover a potentially hazardous substance in the workplace or begin working with a chemical or other product that may be hazardous, the Office of Support Services should be contacted immediately.

3.7 OFFICES

3.7.1 Electrical Appliances

The power pole located at each employee's desk should be used only for the following:

- Task lighting with receptacle;
- Computers, monitors, and printers;
- Desk calculators;
- Pencil sharpeners;
- Cell phone chargers;
- Radios, clocks; and
- Any desk equipment not exceeding 20 amperes.

The following electrical appliances are not allowed in individual offices:

- Fans;
- Hotplates;
- Coffee pots;
- Electric resistant heaters;
- Broilers;
- Refrigerators;
- Microwave ovens; and all other appliances unless approved by the agency.

Questions concerning the above information should be directed to the Office of Support Services.

3.7.2 Office Layouts and Furniture

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SECTION 3 Building and Equipment

Space allowances for state employees in the James Monroe Building are derived from studies of the operations of state agencies and are intended to provide each employee enough space to work efficiently.

The floors occupied by the Department of Education are designed to achieve maximum floor efficiency, and also provide space for support services such as copier and mail areas.

All electrical, mechanical, and fire suppression systems in this building have been designed to meet building code requirements. Any additional work must comply with applicable codes.

For the safety of life and property, and to help maintain a pleasant and efficient working environment, every employee of the Department of Education must adhere to the following rules relating to work areas and work stations.

3.7.3 Redesigning of Work Areas

Partition panels or furniture shall not be moved by individual staff.

No employee of the Department of Education has the authority to order any panels or furniture. The Office of Support Services is the only office responsible for ordering furniture or panels required for the agency.

The Office of Support Services may not accept requests for redesigning workstations or increasing workstation areas unless an assistant superintendent approves the requests.

The Office of Support Services may not accept requests for additional furniture unless:

- The requests have been approved by the appropriate assistant superintendent;
- A proper project code has been provided; and
- The requests identify the workstation to which the furniture is to be assigned.

The Office of Support Services shall review the space and furniture requirements of the workstations based on the concept plans in the *Building Operations Manual* and make recommendations to the assistant superintendent.

The Office of Support Services may not accept requests for additional redesign or furniture unless a Work Order Request Form located in the Office of Support Services has been completed and a project code for all expenses has been identified.

All excess panels and furniture will be stored in a common pool only for the use of the agency.

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3.7.4 Wiring

All wiring (telephone, electrical, computer, including LAN, etc.) must comply with the Virginia Uniform Statewide Building Code, and must be inspected and approved by a building inspector from the Bureau of Facilities Management, Department of General Services, for code compliance.

No surface-mounted or exposed wiring is acceptable and all wiring shall be through the power poles.

Computer cables shall comply with all existing applicable building codes.

3.8 REPAIR REQUESTS

3.8.1 Building Maintenance

All requests for building repair service must be reported to the Office of Support Services.

3.8.2 Photocopy Services

Report all malfunctions of copy machines to the designated floor key operator. The key operator will report malfunctions to the Print Manager and/or contact the vendor for appropriate services.

3.9 STORAGE

3.9.1 Policy

Materials, boxes, etc., shall not be stored along exits and in areas visible to the public. All materials that must be stored temporarily outside of storage areas shall be stockpiled near columns or structural grid lines and shall be removed as soon as possible. Stored materials shall be spread out so as not to exceed the allowable floor load of 100 pounds per square foot of floor space.

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3.9.2 Large Deliveries

Because of limited storage space, the Office of Support Services should be informed of any large deliveries to be made to the warehouse.

The posted allowable floor load for the upper floors of the James Monroe Building is 100-lbs. /sq. ft. This is roughly equivalent to a stack of paper 1-ft. x 1 ft. x 3 ft. tall. Five drawer file cabinets average 80-lbs. per sq. ft.

To avoid overloading the floor and obstructing exits when large quantities of materials are delivered, the guidelines listed below must be followed:

- All shipments of palletized materials or bulk shipments shall be delivered to the lower level and addressed as follows:
  Deliver to: The Mailroom on “S” Level
  Attn: Insert Name of Person ordering the materials
  Virginia Department of Education
  101 North 14th Street
  Service Level Warehouse
  Richmond, Virginia 23219
- Contact the warehouse supervisor to arrange for storage on the "S" level and for a limited quantity of material to be delivered to the upper floors.
- Whenever possible, always request an “Inside Delivery” on purchases for palletized materials. This allows the shipper to move the materials from the loading dock to the warehouse.
- Contact the Office of Support Services to inspect the area and to recommend an acceptable loading pattern if the quantity of material to be kept in a work area creates a problem.
- Check the storage periodically to be certain that additions have not exceeded the allowable floor load.

- Material stored in all Virginia Department of Education warehouse areas should be reviewed each year to determine if they will be needed for future use or if they can be disposed.
- The records officer should be contacted if assistance is needed to store records.

3.10 TELEPHONE

3.10.1 Policy

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SECTION 3 Building and Equipment

3.10.1.1 General Information

The state operates a central telephone exchange for offices located in the City of Richmond. The Department of Education central offices operate within this system.

All requests for purchase, repair services, relocation of equipment, changes in service, and new installation must be arranged through the Office of Support Services.

3.10.1.2 Personal Calls

Personal telephone calls should be minimized during business hours. If personal telephone calls must be received or made during business hours the calls should be limited in length and frequency and whenever possible made during the employee's break or lunch period.

This includes telephone calls to and from an employee's personal cellular phone.

The state provided long-distance service is to be used for conducting **OFFICIAL DEPARTMENT OF EDUCATION BUSINESS ONLY**. Personal long-distance calls may **NEVER** be charged to a Department of Education telephone.

Persons who charge personal long-distance calls to the Department of Education numbers and make or receive personal calls which result in an extra charge to the Department of Education are violating federal and local tax laws. Violators will be required to reimburse the agency for calls made and will be subject to disciplinary action under the Standards of Conduct. Individuals may make personal long-distance calls from a Department of Education telephone only by:

- Charging the call to his/her home telephone;
- Charging the call to a personal telephone credit card; and/or
- Reversing the charges.

All personal calls from VDOE telephones that result in an extra charge are prohibited.

3.10.1.3 Answering the Telephone

The Virginia Department of Education offices must provide telephone coverage Monday through Friday (except on State Holidays) between the hours of 8 a.m. and 5 p.m.

It is important to identify yourself (your name and office) when answering or transferring a call.

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SECTION 3 Building and Equipment

Each VDOE office must maintain information on the office staff members' hours of work and schedules.

Callers to the agency should be transferred to the appropriate VDOE staff member for assistance, or the caller's contact information should be obtained and e-mailed to the appropriate staff for a response. The use of e-mail can help identify the appropriate staff member to respond; the use of "multiple telephone transfers" is to be avoided. The option of leaving a voice message for an individual can also be provided.

3.10.1.4 Facsimile Services

All facsimile equipment provided is for conducting official Department of Education business only.

3.10.2.1 Long Distance Calls

When placing a business call to another Virginia government agency or institution, or a nongovernmental organization located outside the local calling area, dial "9" for an outside line, then the following dialing instructions are to be followed.

TO MAKE	DIAL
ALL DIRECT DIALED LONG-DISTANCE (TOLL) CALLS *Within Your Area Code* *And to Other Area Codes*	1 + Area Code + 7 Digits
ALL DIRECT DIALED OPERATOR ASSISTED AND CALLING CARD CALLS (LOCAL AND LONG DISTANCE) *Within Your Area Code* *And to Other Area Codes*	0 + Area Code + 7 Digits
LONG-DISTANCE DIRECTORY ASSISTANCE *Within Your Area Code* *And to Other Area Codes*	1 + Area Code + 555-1212 *(only use when unable to locate information through no cost phone directory resources)*

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3.10.2.2 Local Calls

For local business calls within Richmond, dial "9" for an outside line; then dial the desired number.

When calling another Virginia agency or institution within Richmond, dial the last five digits of the telephone number. If problems are encountered, dial "9" for an outside line, and then dial the full seven digit number.

3.10.2.3 International Calls

The appropriate assistant superintendent must approve international calls, in advance, and provide an approved project code. If an international call is being considered, please contact the Office of Finance.

3.10.2.4 Voice Mail

The Department of Education utilizes the National Unified Messaging Service (NUMS) voicemail provided by VITA. Each individual will be able to provide a personalized message on a daily basis and also will be able to retrieve messages.

Voice mail messages should be kept current and need to reflect when you are out of the office. Messages should be updated upon return to the office.

If the option is available, the voice mail message should inform the caller of the option to select “0 for operator” to speak with an administrative support person. Voice messages of the support staff should also be kept current.

The following guidelines are to be used when recording a personal greeting.

- Furnish name, title, and division;
- If out of the office, indicate when you will return to the office;
- Provide information on an alternate contact;
- Encourage the caller to leave a message;
- The greeting should be reviewed and updated regularly to more accurately reflect one's schedule.

Periodically empty your mailbox so that callers do not receive a “mailbox full” message. Additional questions concerning voice mail should be directed to the VITA Help Desk at (866) 637-8482 or by e-mail at vccc@vita.virginia.gov.

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On telecommuting days, phones should be forwarded to the employee's cell/personal phone number.

3.10.2.5 Cell Phones

Cell phones must be authorized in writing by the Superintendent's designees as indicated by the Wireless Device Approval Form located at I:\Drive\FORMS\Equipment Checkout Form. Copies must be provided to the offices indicated on the form. Requests must be coordinated with Support Services. If a wireless device is purchased or replaced, the form must be completed and approved and a copy provided to the Office of Human Capital.

3.10.2.6 Bring Your Own Device (BYOD) Option

Employees of the Department of Education whose job responsibilities require immediate accessibility to receive and/or make frequent business calls outside of working hours on a consistent basis may be eligible to participate in VITA's Bring Your Own Device (BYOD) Option. Prior approval from the Superintendent of Public Instruction is required.

3.10.2.7 Telephone Installation, Setup, Moves, Disconnections and Removals

Directors must contact the Office of Support Services Office to request installation, setup, moves, disconnections, or removals of telephones. Seven working days advance notice is requested. Note that new telephone lines, relocation of ISDN lines may take up to four weeks to be installed.

All new service requests shall include the project and cost code to which all charges are to be applied.

Telephone lines in empty offices shall be disconnected if the offices will not be occupied for a period longer than 60 days.

3.11 MEETING ROOMS

3.11.1 Scheduling Meeting Room

All meeting rooms are scheduled through Outlook Calendar, except 25-Washington; that

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room must be booked through the Superintendent's Office. In each meeting room, if connection with a VITA computer is needed, staff must use their own laptop and log into the VITA network with their VPN.

3.11.2 Meeting Room Equipment

All meeting rooms are equipped with a TV, Mac Mini, Apple TV, Teleconferencing device, Video Conferencing device and a Laptop hook up. Additionally, there are web-cams in every room, except the 22-Jefferson A/B/C rooms, for web-based meetings like Google Hangouts or Skype. In 20-Wilson, and 22-Jefferson B/C, there is a Life-size Recording/Video Conferencing unit.

When booking the 22-Jefferson B/C room, please put your audio visual requirements and your room set up requirements in the Calendar. Also, all presentations must be submitted to the agency meeting room Technician the day before the presentation so they can be loaded onto the computer and be tested. If you have any questions, please contact the agency meeting room support staff in the Office of Equity and Community Engagement.

3.12 AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM (AED)

The Department of Education has an Automated External Defibrillator (AED) Program in place. The goal of the AED program is to provide a rapid response to sudden cardiac arrest (SCA) for employees and visitors of the agency. To better enable a rapid response, the Department of Education has installed Automated External Defibrillators (AEDs) at the following locations:

Floor	AED Location
25th	At Elevators
24th	At Elevators
23rd	At Elevators
22nd	At Elevators
21st	At Elevators
20th	At Elevators
18th	At Elevators
Lower Level	Inside Double Doors

Anyone can provide voluntary assistance to victims of emergencies. Lay volunteer responders are encouraged to contribute to an emergency response to the extent that they are comfortable.

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SECTION 3 Building and Equipment

The Department of Education's AED Program is also served by a number of volunteer employees who have been trained and are now certified in CPR and the AED guidelines. Free training to agency staff is offered

AED program guidelines and procedures are posted on the common directed located in the Automated External Defibrillator Program folder at I:\Drive\Sutomated External Defibrillator.

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SECTION 4.0 Procurement and Accounting

4.0 Procurement, Payment, Deposits & Safeguarding Assets

4.1 Procurement Regulations and VDOE Forms

Except for payments to "fiscal vendors" as detailed at the end of this section, the recipients of all other types of payments are considered "procurement vendors" because these types of payments are considered purchases of goods and services. Therefore, they are subject to procurement regulations.

VDOE procedures and forms have been developed to facilitate compliance and must be used by all employees. Detailed information about VDOE procurement procedures and applicable forms is included in the following subsections. Procurement forms referenced in each subsection are posted to the VDOE network at I:\FORMS\Procurement Forms in subfolders named to correspond with the Section 4.1 subsection number. Each form posted to a subfolder has been given a form name that begins with the subsection number where it is explained.

Section	Topic
4.1.1	Advance Approval for Sharing Sensitive VDOE Data
4.1.2	Advance Approval for VDOE Conferences and Meetings
4.1.3	Advance Approval for Sole Source Procurements
4.1.4	Advance Approval for Potential Expenditures in Excess of $10,000, Development or Customization of a System, and/or hosting of VDOE-owned Content
4.1.5	Advance Approval of all Procurement Transactions in eVA Required
4.1.6	Mandatory Sources of Supply, State Contracts, and Purchases Less than $10,000
4.1.7	MOAs (Contracts with Public Bodies, including State Agencies and IHEs)
4.1.8	Procurement of Academic Consultants, Speakers and Professional Services
4.1.9	Contracts with Non-Profits and other Private Entities, including Individuals
4.1.10	Contract Administration
4.1.11	Administration of COV Charge Card Programs

Telling a "procurement vendor" to commence work prior to an eVA purchase requisition being approved by procurement staff and all additional approvers in the eVA approval flow is a violation of APSPM 1.1, 1.2.e, 4.12, 14.9 and 14.8; *VPPA* 2.2-4368 "Official responsibility," 2.2-4376 and 2.2-4377; and the DGS Vendors Manual 7.1.

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SECTION 4.0 Procurement and Accounting

Whenever there will be a procurement vendor relationship between a state agency and a nongovernmental vendor, the *Virginia Public Procurement Act (VPPA)* and the regulations set forth in *the Agency Procurement and Surplus Property Manual (APSPM)* issued by the Department of General Services, Division of Purchases and Supply (DPS), or, for technology purchases, the regulations issued by the Virginia Information Technology Agency (VITA) apply. Keep in mind that the definition of a contract in Va. Code 2.2-3101 is quite broad, and includes any agreement to which a government agency is a party. This means that even an agreement that does not involve the exchange of money falls into the definition of a contract.

The *Virginia Public Procurement Act* §2.2-4368 defines "official responsibility" as "administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction or any claim resulting therefrom." Therefore, any VDOE employee can have "official responsibility" as defined in Code of Virginia, § 2.2-4368, for a procurement and must comply with the *VPPA* and the policies and procedures set forth by DPS, VITA, and VDOE. Intentional violations could subject the responsible party or parties to suspension or removal from office under the provisions of Code of Virginia, § 2.2-1115, and include:

> Knowingly falsifying, concealing, or misrepresenting a material fact; knowingly making any false, fictitious or fraudulent statements or representations; or making or using any false writing or document knowing it to contain any false, fictitious or fraudulent statement or entry is a violation of *VPPA*, Article 6, § 2.2-4376.
>
> Soliciting, demanding, accepting, or agreeing to accept from a bidder, offeror, contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value present or promised, unless consideration of substantially equal or greater value is exchanged is a violation of APSPM 3.22. (If attending vendor-sponsored seminars or trade shows the employee may accept food, drink and give-away items offered to all participants.)
>
> Accepting an unsolicited proposal for the provision of goods or services without discussing requirements for competition with procurement staff is a violation of APSPM 4.32. If a proposal for the provision of goods or services is submitted by a private vendor that was not in response to a VDOE solicitation, even if no payment will be made by VDOE, it is considered an "Unsolicited Proposal," and procurement procedures must be followed.
>
> Purchasing surplus property for personal use is a violation of § 2.2-3106 of the Conflict of Interests Act.
>
> Order splitting or placing multiple orders for the same good or services that are each just under the competitive dollar threshold is a violation of APSPM 4.11.

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Accepting a vendor's standard contract without involvement of procurement staff is a violation of APSPM 4.26.

The Director of Procurement is responsible for day-to-day management of the purchasing function and has delegated authority to bind the agency in making contractual arrangements. If an authorized VDOE signature is required on a contract document, such as a term contract, a contract provided by a hotel or other vendor, a no cost agreement, an agreement with another governmental (public) body that is not related to a grant award, or any other agreement, the document may only be signed by the Director of Procurement, or in the Director's absence, the Deputy Superintendent for Budget, Finance, and Operations, and will only be signed after it has been routed for required eVA approvals including procurement staff, the unit director, the department Assistant Superintendent (or division Deputy Superintendent), the Chief Information Security Officer (if software), the Director of Support Services (if furniture), the Office of Budgeting (if over $50,000), and any additional advance approvals required.

Ignorance of the law or regulations cannot be used as an excuse. VDOE employees with any type of eVA access must attend procurement sessions as requested by the VDOE procurement office.. Getting procurement staff involved at the time the need for a good or service is identified is critical to allow time for compliance with all requirements including approvals in advance (APSPM 4.1 a. & b.).

The recipients of the following types of payments are considered "fiscal vendors" because these types of payments are not considered purchases of goods and services. Therefore, they are not subject to procurement regulations. However, procurement regulations include a requirement to post competitive grant opportunities open to private entities on the eVA VBO. Any office with competitive grant opportunities open to private entities must notify the Director of Procurement so they can be posted on the eVA VBO. In addition, at the Virginia Department of Education (VDOE) they must be approved in advance as indicated in Administrative Manual Sections 2.8 and 4.3, and as noted below:

- grant award
- travel reimbursement paid to an individual not related to services provided
- conference registration fee that can be paid by the Small Purchase Charge Card (SPCC), or if no travel involved, email or other documented approval of Assistant or Deputy Superintendent),
- over-the-counter SPCC purchases - approved in advance by the Deputy Superintendent for Budget, Finance, and Operations and the Director of Procurement,
- refund, scholarship, or reimbursement not related to a contractual agreement, and or a payment to a current or retired Virginia public school division employee who is being paid a sum to participate in VDOE-sponsored activities such as training, curriculum development, or grant review (an incentive). After confirmation that this type of

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payment should be made, the request must be submitted to the Finance office using the payment eForm available to eVA requisition creators. The form is routed for approval by the Director, Assistant or Deputy Superintendent, and the Finance office electronically. See I: FORMS – Payment and Procurement for required attachments.

4.1.1 Advance Approval for Sharing Sensitive VDOE Data

Unsolicited requests to release VDOE data, and VDOE-initiated projects requiring release of VDOE data, must be approved in advance by the VDOE Data Governance Committee, which includes the Director of Education Information Management, the Chief Information Security Officer, and representatives from other VDOE offices as required. If a VDOE employee agrees to serve as a "sponsor" for an outside request for VDOE to share data with a contractor (or grantee) to complete IRB-approved research, or identifies a need for a VDOE-initiated project requiring release of VDOE data, after discussion with the Director of Procurement and the Director of Education Information Management, either the Virginia Longitudinal Data System (VLDS) RUDA, or ***Form 1.1 Attachment A – Non-VLDS Data Dissemination Request***, is routed for VDOE Data Governance Committee approval via the Data Dissemination eForm in eVA.

The data cannot be released until after a fully executed contract and fully approved eVA purchase order are in place, or the grant award has been issued. In addition, if an employee of the Contractor or grantee must be provided access to SSWS to access non-VLDS data, the sponsor must take the necessary steps to add the individual to the "Non-DOE Employee Maintenance" application within SSWS and ensure that the individual has been provided access to, and provided evidence of completion of VDOE Cyber Security Awareness Training within the COV Learning Center. However, if an employee of a COV agency or institution will only be provided access to the secure drop box in VDOE's Single Sign-on for Web Systems portal (SSWS), the individual may meet the Security Awareness Training requirement by providing evidence of completion of the Security Awareness Training required by their agency or institution.

Unless the data will be shared with a grantee, the sponsor determines the contract number required on the eForm and attachment by 1) determining the correct contract template, and 2) asking the eVA requisition creator to compose, but not submit, an eVA requisition to generate the eVA PR# that must be included as part of the contract number. See Section 4.1.7 for templates used to draft contracts with other public bodies (MOAs), and Section 4.1.9 for templates used to draft contracts with non-profits and other private entities.

The sponsor must review the attachment and eForm before the eVA requisition creator submits them for VDOE Data Governance Committee approval to ensure both are complete. Only unit support staff can submit the eForm, but they can add the sponsor to the eForm approval flow as a watcher.

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If the data will be shared with a grantee, the VDOE subgrant award number must be used as the contract number on the eForm and attachment, and, if the VLDS RUDA form will not be used, the heading in ***Form 1.1 Attachment A – Non-VLDS Data Dissemination Request*** must be changed to "Attachment C."

If the data is being provided to a grantee, the document approved by the Committee, the eForm approval page, "I:\FORMS\Procurement Forms\4.1. Forms for AdvanceApproval for Sharing Sensitive VDOE Data\Additional Terms and Conditions to be added to Grant Subawards granting access to sensitive data.docx," and the IRB approval form (or comment indicating why it is not required or available), must be attached to the grant routing slip.

Otherwise, the following must be attached to the eVA requisition created at the beginning of the process: the completed contract template, the attachment approved by the Committee, the eForm approval page, and the IRB approval form (or comment indicating why it is not required or available). If applicable, a completed ***Form 4.1 Request for Complex Procurement*** (discussed in Section 4.1), must also be attached to the eVA requisition.

After all eVA approvals and contract signatures (and subsequent IRB approval, if applicable), have been obtained, (or the grant award has been issued), and evidence of completions of Security Awareness Training, if applicable, has been obtained, the sponsor may request that EIM release the data.

4.1.2 Advance Approval for VDOE Conferences and Meetings

If the meeting will include only food, see VDOE Administrative Manual section 4.3.1.

Otherwise, it is the responsibility of the assigned VDOE conference organizer to ensure:

1) at least 6 weeks prior to announcement of the planned event, the completed Conference Planning Package workbook Form 2.1 Conference Planning and Approval workbook (Planning Worksheet, Cost Estimation, and Request), a written price quote, and, if applicable, any contract from the selected vendor (unsigned), is submitted for approval via an eVA requisition (or grant award, if allowable), and

2) the requisition creator adds them as a "watcher" for the eVA requisition, and a fully approved eVA purchase order (or grant award, if allowable) has been issued prior to announcement of the event. (If necessary, the conference organizer must request an eVA user id in advance by submitting completed Form 5.1 eVA Acceptable Use Acknowledgement, available on the I drive, to the Procurement Director.)

If the governmental entity requires a signature on their agreement (i.e. Virginia Tech), the agreement must be routed for signature by with the eVA requisition or grant award. If the

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meeting or conference includes lodging, the lodging rates included in the state travel regulations should be adhered to if possible.

Should the services of an event planner be necessary, there are several that are DSBSD-certified as micro businesses (see Section 4.1.6). Event planners can be used to request any hotel as long as the total amount for all services, including the event planning fee, does not exceed $10,000. If an event planner is used to schedule hotel accommodations, the conference planning and package must list the event planner's name and the fee charged, and the purchase request and any contract required must be in the event planner's name.

If the procurement includes the provision of catered meals, breaks, Internet access, audio visual equipment rental, etc. from one vendor, and the value of these other included services exceeds the $10,000 level for which competition is required, the entire procurement, including the use of meeting rooms and lodging, shall be procured as a package by procurement staff after receipt of the eVA purchase requisition. **(**Note that the approved "Conference Planning Package" eliminates the need for the "Request for a Complex Procurement" form.) Procurement staff will usually issue an informal request for proposals and use the lodging and M&IE guidelines included in the state travel regulations issued by the Department of Accounts as a measure of reasonableness when contractual alternatives are negotiated.

4.1.3 Advance Approval of Sole Source Procurements

If there is only one source practicably available for a product or service costing over $10,000 (i.e. the product has certain needed functions or characteristics not available on other similar products, or the service provider may possess a particular expertise not otherwise available from another source), in addition to the ***Form 4.1 Request for Complex Procurement*** form (see Section 4.1.4), sole source procedures must be followed. Either ***Form 3.1 Sole Source-Non-Technology DGS Form,*** or the "IT Goods and Services Sole Source Procurement Approval Request form VITA-SOLE" available via VITA > Forms from Single Service must be submitted via eVA for approval. The requestor must review each question on the applicable form, and after thorough research and negotiation has been completed, answer each question on the form without including unrelated information. A price quote from the vendor must also be attached to the eVA requisition.

In addition, for all non-technology sole source requests, the ***Form 3.2 Conflict of Interest Form for DGS Sole Source Procurements 070120*** must be completed, signed, and attached to the eVA requisition. Please note that the form must be signed by every VDOE employee that had/will have any impact on the decision to request or approve the sole source procurement, including but not limited to: 1) the individual who requested the sole source, 2) the requisition creator, 3) the Director who will be in the eVA approval flow, and 4) the Assistant/Deputy Superintendent who will be in the eVA approval flow. . Procurement staff responsible for reviewing and approving the ***Form 3.1 Sole Source Non-Technology DGS Form*** will also sign a non-disclosure form and attach it to the eVA requisition before approving the request.

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After approval by the Deputy Superintendent, procurement staff will request approval for non-technology over $50,000 from DGS/DPS, and for technology over $250,000 from VITA, prior to approval of the sole source contract in eVA. As noted in Section 4.1.4, additional steps are required for VITA approval for purchases of $250,000 or more or that involve third-party hosting. No work may begin until a fully-approved eVA purchase order has been issued.

4.1.4 Advance Approval for Potential Expenditures in Excess of $10,000, Development or Customization of a System, and/or Hosting of VDOE-owned Content

A completed ***Form 4.1 Request for a Complex Procurement*** form must be attached to an eVA requisition to request advance approval and procurement staff action for procurements that could result in potential expenditures in excess of $10,000, development or customization of a system, and/or hosting of VDOE-owned content. However, this form is NOT required for memberships, when approved ***Form 2.1 Conference Planning and Approval*** is attached, or for purchases from mandatory sources of supply, DGS state contracts, or VITA state contracts up to and including $100,000. If a state appropriation directs VDOE to provide funding to another state agency or institution, a grant award should be issued.

Procurements that exceed $10,000 and/ or include the IT deliverables listed above may take 4 months to over a year before contract award. Tasks required can be significant, including: VITA approval for technology purchases of $250,000 or more or that involve third-party hosting, development of specification/scope of work; researching availability in the market and/or number of sources; determining the appropriate method of procurement and then drafting a solicitation, if needed; soliciting competition (formal or informal); and, bid/proposal evaluation period, etc. The delay between an order and the delivery may also be significant. No work may begin until a fully-approved eVA purchase order has been issued.

The request will be routed to the unit Director and department Assistant Superintendent (or division Deputy Superintendent), and the Office of Budgeting, the Chief Information Security Officer, the Director of Technology, and/or Procurement Director, as appropriate. The Deputy Superintendent for Budget, Finance, and Operations will be added to the eVA approval flow if an RFP must be issued.

4.1.5 Advance Approval of all Procurement Transactions in eVA Required

Every state agency must utilize the Commonwealth's statewide e-procurement system (eVA), beginning at the point of requisitioning for all purchases of goods and services, even those offered at no cost. The website is https://eva.virginia.gov/.

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If purchase of goods or services is required, the request must be fully approved in eVA before any VDOE commitment to a potential supplier is made and/or any work by the potential supplier begins. Different lead times are required for different types of agreements - those in excess of $100,000 may require more than one year between a request being submitted via eVA and a contract award being made. IT related services may require up to 18 months between a request submission and contract award.

Each VDOE division has a workflow established in eVA with multiple users assigned. Each user has a unique log in ID and password; however, single sign-on functionality is also available. Administrative support staff for a particular work unit within a department or division create a purchase requisition for a needed good and/or service, which is then electronically submitted to procurement staff, then to their Director, and then to their Assistant (or Deputy) Superintendent. Expenditures $50,000 and over are routed to VDOE Office of Budgeting for approval. Some requirements, such as technology, furniture and printing are routed to additional approvers. Approvers can either deny or approve the request. If denied, a reason for the denial is provided and the requisition is routed back to the creator or, if approved, it is electronically routed to the next person in that user's approval flow.

The requisition creator must ensure that the "title" of the requisition includes the project code (or "no cost"), the office or department placing the order, a brief description of what is being purchased, and the vendor name. If federal funds are being used, the requisition creator must search the federal debarred vendors list to confirm the selected vendor is not included, and, if not, add a comment to that effect in the requisition before submitting it. The link to the list and steps for searching the list are found at https://www.dol.gov/ofccp/regs/compliance/preaward/debarlst.htm.

It is the responsibility of the Director and Assistant or Deputy Superintendent to verify that the items or services requisitioned are applicable to VDOE's mission and needs, are authorized expenditures of the project code indicated, and that funds will be available for payment. By approving a requisition that includes maintenance costs, approvers are verifying that:

- Maintenance costs have been reviewed and analyzed, and are not incurred for assets covered under comparable warranties;
- Maintenance contracts are current and cover only assets approved by management that have not been declared surplus; and
- Warranty expiration dates have been reviewed so maintenance can be continued when necessary.

All eVA users must be aware of security policies and sign ***Form 5.1 eVA Acceptable Use Acknowledgement*** before access to eVA can be granted. Any requests for changes must be by a supervisor.

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When eVA users and approvers will be unable to access eVA for two or more days, they must delegate their eVA account to ensure required deadlines are met. If this is not done, the approval process stops and the purchase order cannot be issued until that individual completes the required action. It would also not be possible to complete eVA receiving, which is required for approving payments. If delegation has not been done, someone else in the department or division can create an eVA requisition and insert the appropriate unit director in the approval flow, or the supervisor may request that procurement staff grant "custodial care" of a requisition creator's account. Custodial care access takes two-day to process.

A great deal of additional information is available in the **eVA Requisition Creator Guide**. Please consult procurement staff for any questions related to procurement or eVA.

Procurement staff has responsibility for reviewing each request for accuracy and detail, compliance with VDOE and state procurement policy, use of SWaM (Small, Women and Minority-owned) businesses and mandatory sources/contracts, utilization of eVA self-registered vendors, etc. Procurement staff may edit, deny or approve a request. If denied, a reason for the denial is provided and the request is routed back to the creator. Once the request is fully approved a purchase order is created electronically and is either automatically transmitted via email to the supplier or if the supplier does not accept electronic orders, it is printed and mailed or faxed by the originator. If a two-party agreement or contract must be signed, procurement staff will add the assigned "contract officer" in Procurement as the final approver and obtain the vendor's signature and authorized VDOE signature (Director of Procurement) prior to the purchase order being issued.

Governor Northam's Executive Order 77, signed March 23, 2021, directs executive branch state agencies and state institutions of higher education to take actions to reduce plastic pollution and eliminate the need for new solid waste disposal facilities in Virginia, in order to make the Commonwealth a more environmentally sound place to live. Within 120 days from issuance of the executive order, all state agencies are required to discontinue buying, selling, or distributing these specific items: disposable plastic bags, single-use plastic and polystyrene food service containers, plastic straws and cutlery, and single-use plastic water bottles.

In meeting Executive Order 77, VDOE procurements for working breaks/meals and conference facilities and events providing food and/or beverages to the VDOE or other attendees should provide alternatives to single-use plastic and polystyrene food service containers, plastic straws and cutlery, disposable plastic bags, and single-use plastic water bottles. In addition, the procurement of anything that has plastic content or incidental materials for mailing or supplies, etc. should also be minimized or avoided when possible. VDOE employees involved in the procurement of such items should remain mindful of Executive Order 77 requirements. Any items purchased prior to Executive Order 77 that otherwise would be restricted per the order may be distributed or used until depleted.

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4.1.6 Mandatory Sources of Supply, State Contracts, and Purchases Up to and Including $10,000

See the **eVA Requisition Creator Guide** for detailed information. If a mandatory source cannot meet your need or deadline, waivers and purchase authority must be requested and received before the purchase can be made from a different source. Procurement staff can provide additional assistance as needed.

Mandatory Sources of Supply

Some goods and services must be purchased from mandatory sources. See detailed information in the **eVA Requisition Creator Guide.** Examples include printing and furniture.

Printing is defined as the process or business of producing printed material by means of a printing press, copier or similar means or all copies of a publication produced by such means. This includes letterhead, business cards, brochures, forms, booklets, pamphlets, etc. State contracts exist for some of these commodities as well as a mandatory source of supply, which is Virginia Correctional Enterprises (VCE CORPRINT). The VCE Waiver must be attached to the requisition. . Printing requirements involving multicolor must be approved in advance in accordance with APSPM 4.20d by completing the ***Form 6.1 Multi-Color Print Justification*** and obtaining an Assistant/Deputy Superintendent signature. The form must be scanned and attached to any eVA requisition that includes multi-color printing. Printing requirements must be coordinated through and approved in advance by the Graphic Design Supervisor in the VDOE Office of Equity and Community Engagement.

For **furniture**, the mandatory source is Virginia Correctional Enterprises (VCE). The VCE catalog is available as a punchout catalog in eVA. For furniture, contact the VDOE Support Services unit. Contact Support Services for the lead time required for new office setups.

State Contracts

See detailed information in the **eVA Requisition Creator Guide.**

Some goods and services must be purchased from mandatory use contracts issued by Department of General Services, Division of Purchases and Supply (DGS/DPS). Refer to the state contracts listing in eVA (Virginia State Contracts Listing) and the actual contract to be aware of any special ordering instructions given.

Palletized paper is a state-wide mandatory use contract (B W Wilson Paper Co).

Office supplies should be purchased from a DSBSD-certified vendor, if possible. There are also state-wide optional use contracts (The Supply Room & Guernsey). The office supplies contracts charge a fee for small orders. The contract specifically states ordering

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entities are asked to refrain from placing orders for less than $25.00 per minimum order unless the item/s are necessary and critical to your entity's operation.

All contracts issued by the Virginia Information Technologies Agency (VITA) are mandatory use contracts.

Purchases of **telecommunications equipment or services** must be coordinated with the Office of Support Services, and purchased from VITA contracts. Contact Support Services for the lead time required for new office setups.

The **individual printers on the managed print contract** are tagged with a label that Xerox prepared that provides the telephone number to call for supplies/repairs, as well as the serial number of the printer that the individual needs to provide to Xerox when calling about supplies/repairs. Supplies and repairs are covered by a monthly fee. Contact the VDOE Support Services unit for additional information.

Existing networked printers or copiers should be used whenever possible. Lower capacity black and white desktop printers costing $300 or less may be purchased if business needs of the VDOE staff person or their office justify it, and if pre-approved by the Deputy Superintendent for Budget, Finance and Operations. The make, model, serial number of the printer if available, and the name of the person to whom the printer will be assigned must be listed in the "Comments" section of the purchase requisition. The existing networked printers or copiers should be used for higher volume and/or color.

For IT Contingent Labor, use the state-wide VITA contract. When considering the need to provide training, managers should comply with the Procuring and Managing IT Contingent Labor Resources Policy related to contractor training: *"Only agency specific or Authorized User-specific training shall be provided to any contingent worker or resource. This requirement includes that no training shall be provided or required except for unique agency or Authorized User requirements as necessary to perform the specific work requested. Agencies and Authorized Users shall provide instruction related to agency specific procedures and agency specific policies that are necessary and essential for the engaged resource to perform work. Training for skills and competencies needed for the resource are the responsibility of the contractor and contractor's firm to provide and see that such responsibilities are met."*

When there is a need for a temporary employee, the requesting department must first follow guidelines in Section 5.11 of this Manual. The Department of Purchases and Supply issued a new temporary personnel services contract effective 1/1/2020. The new contract # is E194-80919 and is designated for optional use. All purchase orders issued under the previous contract (E194-72989) must be closed out by March 31, 2020. The new contract has three (3) Contractors (Abacus Corporation, Athena Consulting, & 22nd Century

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Technologies, Inc.). Each Contractor is assigned to a 1st, 2nd, 3rd tier position within each Lot (1-7). End-users must contact the Contractor in the 1st position per Zone by Lot. If the Contractor in the 1st position cannot provide a qualified candidate, the end-user must contact the Contractor in the 2nd position per Zone by Lot and follow same to the 3rd tier Contractor. If the requesting department already has a qualified candidate and does not require a Contractor to locate one, the temporary employee will have to register with the 1st tier Contractor prior to submission of an eVA purchase request (PR). Per the contract, a purchase order cannot exceed 1,040 hours (equivalent to 6 months) per position title. If an assignment is expected to continue longer than 1,040 hours, a new PR must be submitted to account for the remainder of the assignment. NO purchase request beyond 1,040 hours and no change requests to extend hours beyond 1,040 should be submitted for approval. Each PR must include, at a minimum, the name of the selected candidate & position title; start and projected end date; defined work week (include any holidays within state/end date); number of hours per day (include expected lunch time period); allowable pass through charges (APTC), hourly rate of pay including markup percentage, location of assignment, assignment POC information and travel reimbursement (if applicable).

For more contract details information including Lot designations, Zone locations, definition of APTC and Contractor contact info go to: https://logi.epro.cgipdc.com/External/rdPage.aspxdReport=Public.Reports.Report9008_Data) – type Temporary Personnel Services in the search engine.

NOTE: If an employee of the Contractor must be provided a VDOE email address, and/or access to the network or SSWS (VDOE's Single Sign-on for Web Systems), that employee must provide evidence of completion of VDOE Cyber Security Awareness Training. However, if an employee of a COV agency or institution will only be provided access to the secure drop box in VDOE's Single Sign-on for Web Systems portal (SSWS), the employee may meet this requirement by providing evidence of completion of the Security Awareness Training required by their agency or institution.

Purchases Up to and Including $10,000 from Private Entities

If the purchase is $10,000 or less, if there is no requirement for purchase from a mandatory or state contract, the purchase is not from an optional use state contract, and the purchase is not being made from a public entity, if the purchase can be made from a DSBSD-certified micro vendor at a "fair and reasonable" price, and does not exceed 5 percent of the lowest responsive and responsible noncertified bidder, the purchase must be made from a DSBSD-certified micro vendor, and a quote from the vendor must be attached to the eVA requisition.

The current single quote limit is up to and including $10,000 and must be obtained from a DSBSD-certified micro business if available and the price is considered fair and reasonable. A "fair and reasonable price" shall not exceed 5 percent of the lowest responsive and responsible noncertified vendor. If there are no reasonably priced bids/offers meeting the above criteria

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received from certified micro businesses, an award shall be made to the lowest priced or highest ranked DSBSD-certified small business bidder/offeror that is responsive and responsible (for bids) or fully qualified and most suitable (for proposals) if such small business bid or offer is available and the price is fair and reasonable (APSPM 4.10). If the agency determines and documents that no bid/offered price is fair and reasonable, then the set-aside award priority may be removed. If there is only one source and it is not a micro or small business, it must be documented (but sole source justification forms are only required if the price is over $10,000.)

The Department of Small Business and Supplier Diversity certifies "Small" and "Micro" businesses, and defines Micro Businesses as certified small businesses that have no more than twenty-five (25) employees and no more than $3 million in average annual revenue over the three-year period prior to their certification. Independent contractors who live in Virginia, and other states who allow Virginia vendors to be certified "SWaM," should be encouraged to complete the Department of Small Business and Supplier Diversity (DSBSD) online application available at **https://certification-app.sbsd.virginia.gov/** to become certified as a small (and "micro," if applicable) business.

4.1.7 MOAs (Contracts with Public Bodies, including State Agencies and IHEs)

No competition is required for agreements representing a vendor relationship with another public body (federal agency, state agency or public institution of higher education (IHE), or local government), but a Word version of the appropriate contract template must be completed and routed via eVA with any other forms required for advance approval referenced in 4.1.1 – 4.1.6 (Word version, if applicable).

Contract templates to address most types of agreements with public bodies are listed below and have been saved in the 4.1.7 subfolder. If none of the listed templates meets your needs, contact the Director of Procurement for the appropriate template.

Form 7.1 MOA -0-NDD-FS	**No deliverables require creation of Intellectual Property**	**No VDOE data will be shared with the Contractor**	**Federal, State, or Special Funds will be used for Payment**
Form 7.2 MOA-0-NDD-NC	**No deliverables require creation of Intellectual Property**	**No VDOE data will be shared with the Contractor**	**No cost agreement**
Form 7.4 MOA -R-VLDS- NC	**Ownership of Intellectual Property deliverable will be given to Contractor**	**Data from VLDS will be shared with the Contractor**	**No cost agreement**

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Form 7.5 MOA -R- AttA- NC	**Ownership of Intellectual Property deliverable will be given to Contractor**	**Data will be shared with the Contractor from a source OTHER than VLDS**	**No cost agreement**
Form 7.6 MOA -R- AttA- NC	**Ownership of Intellectual Property deliverable will be given to Contractor**	**Data will be shared with the Contractor from a source OTHER than VLDS**	**No cost agreement**
Form 7.8 MOA -IP- NDD- SF	**VDOE will Own Intellectual Property deliverable**	**No VDOE data will be shared with the Contractor**	**Federal, State, or Special Funds will be used for Payment**
Form 7.10 MOA -0- AttA- NC	**No deliverables require creation of Intellectual Property**	**Data will be shared with the Contractor from a source OTHER than VLDS**	**No cost agreement**
Form 7.11 MOA -R- NDD- NC	**Ownership of Intellectual Property deliverable will be given to Contractor**	**No VDOE data will be shared with the Contractor**	**No cost agreement**

After the program area contact selects the appropriate template based on the information above, the contact saves a copy of the file, keeping the form number as the first part of the file name, and enters the required information. The contract number field is completed by adding the eVA requisition (PR) number and the current calendar year. The name of the other public body is entered at the beginning of the template (in the title and before "the Contractor"), and above the signature line at the end of the document. The period of performance field is completed by entering a specific end date of the "original term" on the contract (excluding optional renewals), and can be up to five years in the future. The last "Term and Condition" included in each template is "RENEWAL OF AGREEMENT," and specifies four optional one year renewals. However, if no renewals should be allowed, or the original term is more than one year, the renewal clause should be eliminated or modified so that the contract, including all renewals, does not exceed five years. If a Scope of Work field is included in the template, a complete and specific list of all deliverables and dates by which the work must be completed must be included. Unless the template is for a no cost contract, after "Invoices must be submitted" enter either "by [specific date]," "after completion of all deliverables," "quarterly," or "monthly," or a time frame that meets the specific need.

NOTE: If an employee of the Contractor must be provided a VDOE email address, and/or access to the network or SSWS (VDOE's Single Sign-on for Web Systems), that employee must provide evidence of completion of VDOE Cyber Security Awareness Training. However, if an employee of a COV agency or institution will only be provided access to the secure drop box in VDOE's Single Sign-on for Web Systems portal (SSWS), the employee may meet this

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requirement by providing evidence of completion of the Security Awareness Training required by their agency or institution.

4.1.8 Procurement of Academic Consultants, Speakers and Professional Services

Academic Consultants

State agencies are strongly encouraged to make maximum use of the consultant services available from state agencies and the Commonwealth's institutions of higher education before seeking such services from the private sector. **Agencies shall not engage outside firms to perform the following services offered by other state agencies without first examining their possible use, as follows**:

- **Virginia Information Technologies Agency** - services related to automated data processing, word processing, and telecommunications (*Code of Virginia*, §2.2-1303).
- **Department of Planning and Budget** - analysis of alternatives, program review and evaluation, cost reduction programs and productivity improvement (*Code of Virginia*, §2.2-1501).

By definition, academic consultants provide information, assistance, and guidance of a purely advisory nature, usually in the form of a report or other deliverable, setting forth alternative courses of action and recommendations based on the expertise possessed by the outside individual, firm or organization. Such advice or assistance does not relieve agency management of responsibility for its final decision.

Agencies are responsible for assuring that the use and control of the services of private consultants is properly justified in terms of agency mission, programs, priorities, and funding. The APSPM suggests methods for use in developing the pricing schedule and for payment of consultants. As required by the Appropriations Act each year, Use of Consulting Services, all state agencies and institutions of higher education shall make a determination of "**return on investment**" as part of the criteria for awarding or using contracts for consulting service (APSPM 4.22.d). ***Form 4.1 Request for a Complex Procurement*** must be used to document the return on investment from private consulting services.

Academic/research consulting services are exempt from competition if $100,000 or less, and ***Form 8.1 Scope of Work for Private Entity*** should be attached to the eVA requisition. Independent contractors required to do more than review, analyze and recommend do not meet the requirements for exemption from competition.

Speakers

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If services are limited to giving a speech (no training or professional development is being provided), competition is not required if the speaker will be paid a lump sum of $100,000 or less. Evidence of agreement to the fee being offered (not a quote or invoice), must be attached to an eVA requisition.

Professional Services

Professional Services as defined in §2.2-4301 of the *VPPA* includes work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, and law (and other services which would not be purchased by VDOE).

Professional services greater than $80,000 must be procured by competitive negotiation. Procurement staff will follow the competitive negotiation process set out in the *Code of Virginia, §2.2-4302.2* to procure professional services. The evaluation and award procedure for the procurement of professional services by competitive negotiation is not under the authority of the Division of Purchases and Supply. Evaluation and award of professional services is addressed in the *Code of Virginia* §2.2-4302.2. The vendor must be registered in the Commonwealth's statewide e-procurement system (eVA).

Commented [JM(1]: The requirements below was changed by PIM 037 (See Annex 1-A) and 4.23

Professional services procurements up to and including $10,000 shall be set-aside for micro businesses. For purchases over $10,000 up to and including $80,000, procurements shall be set-aside for small businesses (including micro businesses).

For purchases up to and including $80,000, the required documentation for the dollar amount of the purchase must be submitted to Procurement via an eVA requisition:

- $0 up to and including $10,000: ***Form 8.1 Scope of Work for Private Entity*** form and price quote from a DSBSD-certified micro business.
- $10,000 up to and including $50,000: ***Form 8.1 Scope of Work for Private Entity*** form and price quote from a DSBSD-certified small (including micro) business.
- Over $50,000 up to and including $80,000: ***Form 8.1 Scope of Work for Private Entity*** (requirements) for a Quick Quote or an informal RFP to be issued.

When a written price quote must be obtained, it must be fair and reasonable in accordance with Section 4.1.6.

4.1.9 Contracts with Non-Profits and Other Private Entities, including Individuals

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All requests for procurement actions must be submitted via eVA. In most cases only an eVA requisition and a quote is required. If any of the requirements listed in Section 4.1.4 are met, a Word version of the ***Form 4.1 Request for a Complex Procurement*** form must be attached to the eVA requisition.

The 2020 General Assembly passed HB1228, Fair Employment Contracting Act - Required Contract Provisions, which requires that certain contract workers, including those required to have virtual meetings with VDOE employees, complete sexual harassment training. To determine if a contract worker is subject to the training provisions, the checklist available at "I:\FORMS\Procurement Forms\4.1.9 Forms for Contracts with Non-Profits and Other Private Entities, including Individuals\checklist-for-contract-workers'-required-to-complete-dhrm-sexual-harassment-training.pdf" must be used.

DHRM is offering training:

https://www.dhrm.virginia.gov/public-interest/contractor-sexual-harassment-training

If a contractor's contract form must be signed, the unsigned contract and the ***Form 9.1 Addendum to Contractor's Contract Form*** must be attached to the eVA requisition in WORD format.

If services will be performed by an individual who is not a current or retired Virginia Public School Division employee, he or she is a procurement vendor and an eVA requisition must be processed. If the individual is a public employee, ***Form 9.2 Public Employee Certification Form*** must be attached to the eVA requisition. If an individual is being hired for an ongoing service, the ***Form 9.3 Employee vs Contractor Form*** must be completed and attached to the eVA requisition to determine if IRS issues could arise.

Form 9.4 and 9.5 are no cost contract templates for use when sensitive VDOE data will be provided to a researcher not employed by a public body. Form 9.10 is a no cost contract template for use when no DOE data will be provided to a private entity, but DOE needs to own the intellectual property contract deliverable. These templates have been saved in the 4.1.9 subfolder.

Form 9.4 PNP-R-VLDS-NC	**Ownership of Intellectual Property deliverable will be given to Contractor**	**Data from VLDS will be shared with the Contractor**	**No cost agreement**
Form 9.5 PNP-R-AttA-NC	**Ownership of Intellectual Property deliverable will be given to Contractor**	**Data will be shared from the Contractor from a source OTHER than VLDS**	**No cost agreement**

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Form 9.10 PNP-IP-NDD-NC	VDOE will Own Intellectual Property deliverable	No VDOE data will be shared with the Contractor	No cost agreement

After the program area contact selects the appropriate template based on the information above, the contact saves a copy of the file, retaining the form number as the first part of the file name, and enters the required information. The contract number field is completed by adding the eVA requisition (PR) number and the current calendar year. The name of the contractor is entered at the beginning of the template (in the title and before "the Contractor"), and above the signature line at the end of the document. The period of performance field is completed by entering a specific end date of the "original term" on the contract (excluding optional renewals), and can be up to five years in the future. The last "Term and Condition" included in each template is "RENEWAL OF AGREEMENT," and specifies four optional one year renewals. However, if no renewals should be allowed, or the original term is more than one year, the renewal clause should be eliminated or modified so that the contract, including all renewals, does not exceed five years.

If an employee of the Contractor must be provided a VDOE email address, and/or access to the network or SSWS (VDOE's Single Sign-on for Web Systems), that employee must provide evidence of completion of VDOE Cyber Security Awareness Training.

If a VDOE two-party contract (other than the contractor's form) must be signed, procurement staff will create the contract document.

4.1.10 Contract Administration

Procurement staff assigns a "Contract Administrator" to each term contract lasting one year or more. It is the responsibility of the Contract Administrator to ensure proper contract administration and verification of receipt of deliverables prior to approving payment, and to ensure any required contract renewals are fully executed prior to the expiration of a current contract term. The eVA requisition creator is notified electronically of upcoming end dates for memberships and subscriptions.

When the Office of Finance receives an invoice and contacts the eVA requisition creator to complete eVA receiving to authorize payment, , before completing eVA receiving, the requisition creator must receive confirmation of receipt of the goods or services and accuracy of the invoice via a note on the invoice from the Contract Administrator (or, if none assigned, their supervisor).

To ensure an invoice is accurate, the Contract Administrator should immediately determine if the correct VDOE eVA purchase number is on the invoice.

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1) If the correct eVA purchase order number is on the invoice, the Contract Administrator must immediately:
   a) Ensure the invoice agrees to the purchase order contract terms, Scope of Work, etc.
   b) Ensure the goods or services have been received (exceptions are subscriptions and organizational memberships which must be paid in advance).
   c) If the invoice is not accurate, the invoice is in dispute and should be returned to the vendor with the dispute noted (and the eVA requisition creator and the Office of Finance advised).

2) If there is no VDOE eVA purchase order number on the invoice and it is not a payment to a fiscal vendor exempt from eVA, or the eVA purchase order number is incorrect:
   a) If the Contract Administrator knows it is for a purchase order that was fully approved before the date of services and the date of the invoice, it is permissible to complete the approval process as noted in below, write the eVA purchase order number on the invoice, and attach documentation of eVA receiving, but the vendor must be notified to include the eVA purchase order in the future.
   b) If it is for a subscription or organizational membership that begins in the future and is desirable for the agency, an eVA requisition should be created with the subscription or organizational membership attached, and, after it is fully approved, the eVA receiving should be completed and attached to the invoice.
   c) Otherwise, do not request a "confirming purchase order" so that the invoice can be paid. (See Section 4.1.)
      i) If it appears to be a marketing ploy for a real product that you have not ordered, discard it or return as in dispute.
      ii) If it appears to be a fraudulent invoice, report it to the Office of Finance.

The contract administrator must track all payments and ensure the contract limitations are not exceeded. See Section 4.2 for available VDOE financial system reports. For changes to two-party signed contracts, the ***Form 10.1 Contract or MOA Modification Agreement Form*** must be routed via eVA in **Word** format. If the invoice exceeds the eVA purchase order by $500 or more but the amount of the invoice has been verified as correct, a change order documenting the reason for the change must be fully approved before eVA receiving can be completed.

After receipt and accuracy of the invoice have been confirmed, the eVA requisition creator will access the eVA purchase order and "receive" the appropriate amount. The receipt date in eVA must be the actual date of receipt of the goods or services

The contract administrator must track payments made against the contract and report payments-to-date to the Director of Procurement by June 30 each year. Before approving payment of the final invoice for a contract that required small business subcontracting, the contract administrator must confirm that the contractor has certified compliance with the contractor's submitted Small Business Subcontracting Plan or be in receipt of a written explanation of the variance.

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If there are contract renewals left, at least 60-90 days prior to the end of the current term, the ***Form 10.1 Contract or MOA Modification Agreement Form*** must be completed and routed via a new eVA requisition. Renewals of contracts with an initial term of $10,000,000 or more must be approved by DGS before sent to the contractor for signature. Some contractors and public bodies take a very long time to sign contract documents. I f the contractor doesn't sign and/or the eVA requisition isn't fully approved before the current term ends, the contract cannot be renewed.

If similar services will be required after the current contract ends, no later than when the last available renewal is processed, the ***Form 4.1 Request for a Complex Procurement*** form must be completed and routed via a new eVA requisition. Different lead times are required for agreements with other public bodies, sole source procurements, non-technology RFPs, and technology RFPs.

If there are questions about a contract, including making changes to it, or the work is not being done to your satisfaction, consult your assigned "contract officer" in the Procurement Office.

4.1.11 Administration of COV Charge Card Programs

A Senior Buyer in the Office of Procurement serves as the VDOE Program Administrator for the COV purchasing charge card program (https://www.doa.virginia.gov/reference/CAPP/CAPP_Topics_Cardinal/20335-2015-Dec.pdf) and the COV travel charge card program (https://www.doa.virginia.gov/reference/CAPP/CAPP_Topics_Cardinal/20360.pdf). Card holders and their supervisors are required to complete annual training by the state-mandated due date, and attend periodic meetings to ensure they keep up-to-date on policies and procedures.

Travelers interested in obtaining an individual liability travel charge card should contact the Program Administrator.

Use of a Small Purchase Charge Card (SPCC) is the method of payment established by the Department of Accounts (DOA) to streamline invoice and payment processing. The SPCC must be used for all purchases of $10,000 or less if the vendor accepts it. See VDOE Administrative Manual Section 4.3 for additional information.

eVA requisition creators must be issued a charge card by the Program Administrator. ***Form 11.1 Purchasing Charge Card Request Form*** and ***Form 11.2 Purchasing Card Employee Agreement*** must be provided to the Program Administrator. Please be aware that DOA does not allow SPCC holders to charge registrations and organizational membership dues for themselves.

If a payment can be charged:

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- After the purchase has been fully approved in eVA and can be charged, or otherwise if the purchase is exempt from eVA, the SPCC charge cardholder enters the expected charge on the ***Form 11.3 SPCC Purchasing Log and Reconciliation*** for the month.
- To be in compliance with the Prompt Payment Act, an invoice must be charged within 30 days of receipt of the invoice at VDOE (date of the Office of Finance Date Stamp) unless the goods or services have not been received. If the goods or services have not been received, that must be documented on the invoice and the invoice must be charged within 30 days of receipt of the goods or services. **If it appears that the cardholder's monthly expenditure limit is insufficient, the cardholder's supervisor should contact the Program Administrator to have the card holder's monthly limit temporarily or permanently raised**. If an invoice is not charged within the 30 day timeframe, before it is charged, the cardholder's supervisor must provide a justification to the Program Administrator, copied to the Director of the Office of Finance. The Program Administrator must then forward a request to DOA for approval of the charge. The cardholder must submit the completed **Form 11.3 SPCC Purchasing Log and Reconciliation** (Excel version), with the monthly statement and backup documentation, to their supervisor electronically in time for the log and monthly statement to be approved and submitted to the Program Administrator, and the Excel spreadsheet log and monthly statement to be submitted to Finance, by the last working day of the month. Follow the SPCC Checklist for SPCC Reconciliations included in the Guidelines for Small Purchase Charge Cards document. Cardholders must confirm compliance and type their name above the certification statement. Attach the monthly reconciliation package to one email, or, if it is too large, submit it via the SSWS drop box.
- The cardholder's supervisor must ensure all charges were authorized, no past due invoices are included, and the indicated project codes are correct; and approve the reconciliation using an Adobe digital signature before the deadline. **Form 11.4 SPCC Supervisor Reviewer Check List** should be consulted for guidelines and reviewing assistance.
- After the supervisor's approval has been documented with the digital signature, the cardholder emails the Excel spreadsheet and monthly statement to Finance, and emails the reconciliation with digital signature and the monthly statement to the Program Administrator on or before the last working day of the month.
- When the cardholder is in the office and can print the complete reconciliation package, including the supervisor's digital signature, monthly statement, and supporting documentation attached to each invoice, the cardholder must take the printed reconciliation package to the Program Administrator's desk. After review,

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the Program Administrator will forward the hardcopy reconciliation to Finance for filing and future review by external auditors.

- If the cardholder is contacted by the Program Administrator or the Department of Accounts (DOA), the cardholder must respond promptly so that any issues can be resolved.

Procurement staff will monitor all purchase requests and small purchase charge card (SPCC) reconciliations and will provide assistance, guidance and training when and where needed to minimize issues of non-compliance with state and VDOE procurement policies and procedures.

4.2 MONITORING BUDGETS VIA ORACLE REPORTS AND RECONCILING OUTSTANDING OBLIGATIONS

Project codes are used to track different funds. Information is available regarding project code budgets, expenditures, and available balances via online Oracle Financials reports.

- Program areas must keep accurate records of all purchase orders, MOA payments, grants, and other payment obligations. Just as outstanding checks must be deducted from the balance shown on your personal bank statement, outstanding obligations must be deducted from the available balance per Oracle Financials reports until payment is processed and recorded in Oracle Financials. A sample Encumbrance Workbook Template and Instructions can be found at I:\Forms\Payment & Procurement.

- If more than 14 working days have passed since payment requests were sent to Finance, e-mail accounts.payable@doe.virginia.gov with "Question-Payment Status" in the subject.

- To check project code balances, expenditures, and vendor information, click on the "Oracle Finance Reports" icon in the VDOE Applications folder. Then click on the appropriate report. (Examples follow.)

- Please contact the Office of Finance to ensure your understanding of the expenditure information is complete or to request changes or corrections. The signature of a Director or above is required.

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- Project codes are entered the same way for all reports. **Make sure that the letters are capitalized.** You may run reports for a range of project codes by entering the lowest number first and the highest number in the second field. If you only need information for one project code, enter it in both fields.

Funds Available Reports

- "Without LEA Object Codes" – unless you have been instructed to use the LEA Object Code reports by Finance, use these reports to determine the budget, expenditures, and available balance "as of today" or at any given point during the past.

- Use the "State Funds Available – YTD" report for state funds (including project codes that begin with "80"). If you have a state-funded grant for which LEA "payee code" budgets are established, use the "NP FUNDS AVAIL –YTD w/o OBJCD" report. The state fiscal year begins on July 1 and ends on June 30, so these reports will include expenditures from the preceding July through the current date or the end date entered (see below). Do not use this report for federal funds.

- One of the "FED" project-to-date reports should be used for federal funds. These reports will include expenditures from the beginning of the 27 month grant period through the current date or the end date entered (see below).

- If you want balance information "as of today," enter the "period name" using the format "MMMCY-FY," where "MMM" is the three letter abbreviation for the current month, all in CAPS, "CY" is the last two digits of the current calendar year, and "FY" is the last two digits of the current state fiscal year. July 1, 2018 – June 30, 2019 is state fiscal year 2019, so a report for January 2019 would be entered as "JAN19-19." Use the same format for a prior period. For example, if you want a balance as of September 30, 2019, enter "SEP19-20."

- Click "View Report."

- The report will open another window.

- Understanding the report:

    - If the "Run Date" is before the end of the month, the Actual column includes non-personnel payments sent to DOA for payment between July 1 and the run date, plus or minus any adjustment. To determine the payments included in the Actual column, run the Paid Invoices by Project and Actual Detail

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Transaction Reports (see below).

- The **Available** balance is based on the budget entered by the Office of Budgeting and the **Actual** column.
- Purchases are only listed in the "encumbrance" column for a short period between approval by the Office of Finance and transfer to Cardinal. Purchase Orders are not entered in Oracle Financials and are not included in this report, and there is a delay between the time purchases are charged to a state SPCC and billed back to your project code. Therefore, the outstanding obligations must be subtracted.
- If you would like to print the report, click on the printer icon in the tool bar.

- Click "X" at the top right to close the window and clear the screen of the report.
- Submit another request or click "OFR HOME" bread crumb in the upper left portion of the screen.

Paid Invoices by Project and Actual Detail Transaction Reports

- Use these reports for details of the expenditures listed in the "**Actual**" column of the "Non-Personnel Funds Available – YTD" or "PTD" reports.
- Enter your project code or a range of project codes.
- Enter the beginning and ending date fields as "DD-MMM-YYYY." DD is the day of the month and MMM is a three-letter abbreviation for the month, all in CAPS. You must use a four-digit year (YYYY). For example, 7/1/19 would be entered as 01-JUL-2019, and 1/23/19 would be entered as 23-JAN-2019.
- Click "View Report."
- The report will open another window.
- Understanding these reports:
  - The "Date Paid" is the date the transaction was sent to DOA for payment. This is not the date the payment was mailed to the vendor. Due to the Prompt Payment Act, DOA issues the check based on a calculated "Due Date," which may be up to 30 days after the payment was sent to DOA.

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- The Paid Invoices by Project report does not include payroll, payments to other state agencies, charges to program area project codes for SPCC orders, deposits of cash or federal revenue, or corrections. These transactions are included in the Actual Detail Transactions report; however, that report does not include the descriptions on the Paid Invoices Report. Therefore, the Paid Invoices report should be run first, and the Actual Detail Transactions Report run to identify any additional payments included in the Actual column on the Funds Available reports.

- The key to understanding the Actual Detail Transactions Report is the column to the far right – "**Trans Type**."

  - ☐ "Payroll" should be skipped reviewing state non-personnel balances. Payroll expenses are not included in the Actual column on non-personnel reports.

  - ☐ "Payments" should also be skipped if you have already reviewed the Paid Invoices report. These payments are the ones also listed on the Paid Invoices report with complete descriptions.

  - ☐ "ATV – 201" should be reviewed. These include small purchase charge card payments charged to your project code based on cardholders' monthly reconciliations.

  - ☐ The Description column usually includes the vendor and/or eVA purchase order number and cardholder. Additional information should be available from the cardholder. Mandated administrative fees charged by DGS based on eVA purchase order amounts are also included.

  - ☐ "CARS JOURNALS" are correcting entries and should be reviewed. Contact accounting or grants accounting and reporting for details.

  - ☐ An "IAT" is a payment to another state agency. Contact the Office of Finance for details.

  - ☐ Totals of the debit and credit columns on the Actual Detail Transaction report include corrections and deposits; therefore, totals on this report do not represent total expenditures.

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- If you would like to print the report, click on the printer icon in the tool bar.
- Click "X" at the top right to close the window and clear the screen of the report.
- Submit another request or click "OFR HOME" bread crumb in the upper left portion of the screen.
- If the Actual Detail Transactions Report for your project code is extremely long or complex, contact the Finance Office for a custom report.
- If errors are noted, please contact the Office of Finance.

4.3 PROCESSING PAYMENTS (OTHER THAN TRAVEL)

4.3.1 State and VDOE Policies

The VDOE will comply with state and federal regulations when making payments. It is each employee's responsibility to follow established procedures to ensure compliance with disbursement policies. Non-compliance is reported in the State Comptroller's "Report on Statewide Financial Management and Compliance." In addition to the information included in this manual,

- required procedures and forms are posted to the I:\FORMS\Payment Request Forms and I:\FORMS\Payment and Procurement directories,
- State accounting policies and procedures issued by the Department of Accounts (DOA) are detailed on the DOA website.

Sensitive, confidential, or personally identifiable information must be safeguarded from the time it is received. Because information required by Finance may include a name and address, a name and a salary, or a name and a social security number, it must be safeguarded in program offices and in the Office of Finance.

If a document includes a name and address, a name and a salary, or a name and a social security number:

- if an original is not required, the document can be sent via the SSWS Dropbox feature to the appropriate Office of Finance staff person, or

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- if the SSWS Dropbox is not an option, a document must be mailed and/or hand delivered to the secure "Finance Dropbox" located on the 25th floor. Please note, if a document must be processed within a few days, a note to that effect must be attached and it should be given to a Director personally.

Any obligation of funds must be approved by a VDOE Assistant Superintendent or the Deputy Superintendent of Budget, Finance, and Operations in advance. Different procedures must be followed based on whether or not the vendor accepts the State Small Purchase Charge Card (SPCC) and whether or not the purchase is exempt from being processed in the state procurement system (eVA). Therefore, it is mandatory to determine whether or not the vendor accepts the State Small Purchase Charge Card (SPCC) and whether or not the purchase is exempt from being processed in the state procurement system (eVA) prior to initiating a purchase. Review Section 4.1 of the VDOE Administrative Manual carefully.

ALL invoices must be sent directly to the Office of Finance to properly record the invoice receipt date to ensure compliance with Prompt Payment. The Virginia Prompt Payment Act requires that the state make payments to vendors 30 days from the receipt of a proper invoice or the receipt of goods or services, whichever is later. In order for Treasury to issue checks within the mandated time frame, payments must be processed by VDOE well in advance. When completing eVA receiving, the actual receipt date of goods or services rendered must be recorded as that date will affect the Office of Finance's calculation of the proper due date.

Paper printed invoices may be submitted by postal mail to "ATTN: Finance" at the VDOE mailing address, or hand delivered in an envelope marked "ATTN: Finance"" for immediate delivery to the Office of Finance. Electronic invoices may be remitted in a locked (non-modifiable) format such as a pdf file and sent to Accounts.Payable@doe.virginia.gov. Electronic invoices may not be sent to individual email accounts within VDOE as we cannot ensure proper payment compliance.

The only exception to this rule is invoices that are sent as confirming orders when already paid on SPCC. SPCC holders will need the paid invoices to reconcile and complete their supporting documentation to their monthly SPCC reconciliations.

Sales and use taxes should not be paid on tangible property. If the vendor requires it, complete the Tax Exempt Form, which can be found at I:\Forms\Payment & Procurement and obtain the Finance Director's signature.

Fraudulent Invoices

The Office of Finance will send invoices to program offices to verify legitimacy of goods ordered and received, or services requested and rendered. Program offices must be vigilant in reviewing invoices to prevent approving payments for fraudulent vendor invoicing.

High risk types of vendor billings are typically targeted at services and may include service types such as:

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- Advertising
- Incorporation registrations or other government renewal notices
- Maintenance contracts
- Patent or trademark registration renewals
- Subscriptions
- Telecommunications

Examine invoices carefully, ensuring proper matching of invoices with actual orders. Verify the accuracy of all documentation prior to authorizing payment.

If vendor fraud or any other suspicious invoicing activity is suspected, report the suspicion to the program office Director. Program Office Directors are required to notify the Assistant Superintendent, Deputy Superintendent, Director of Procurement, Director of Finance, and Director of Business and Risk Management.

Lodging/Accommodations Tax

Lodging is not considered a purchase of tangible property and is therefore taxable.

Catered/Prepared Meals and Food Tax

Due to a recent change in Department of Taxation policy, effective for purchases made on and after April 22, 2016, state governmental entities may use their Retail Sales and Use Tax exemption certificates issued pursuant to Va. Code § 58.1-609.1(4), § 58.1-609.11, and § 58.1-609.10(16) to make exempt purchase of food and meals, as well as certain "taxable services" provided in connection with the provision of meals.

Under the new policy, a bright-line test to determine whether a state governmental entity's purchase of food or other tangible personal property, prepared meals, catering or related services satisfies the statutory "use or consumption" requirement when purchased for consumption by individuals. Under this test, state governmental entities must demonstrate the following:

- The provision of the applicable prepared meals, catering or services furthers a function, mission, service or purpose of the governmental or nonprofit entity; and
- The charge for the food, meals or catering is billed to and paid for by the entity claiming exemption from the tax with payment drawn from the entity's account rather than using cash or an individual's account; and
- The entity claiming the exemption determines to whom, when and how the meals or food are served and consumed.

This new policy applies to purchases of prepared meals and catering, as well as any

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charges for labor in connection with the provision of prepared meals and catering, such as charges for serving services, charges for preparing or serving the food, setting up and breaking down the site, and cleaning.

If meal costs will be paid with Federal funds and the primary purpose of the meeting is other than to provide training or technical assistance, an email or memo from the Federal granting agency stating that paying for the specific meal requested is an allowable charge to the Federal grant must be attached to the request submitted to the VDOE Finance Office.

If the majority of the participants are VDOE employees, a justification by the assistant superintendent for the department or Deputy Superintendent for the division should accompany the working meal request form.

When an eVA purchase order is issued to provide lodging for non-state employees at a VDOE conference or meeting, VDOE employee lodging more than 25 miles from the Monroe Building may be included when the employees' supervisor requires them to stay to assist with the conference or meeting.

If you are providing federal funds to a governmental entity, in most cases a grant award should be issued unless a contract was awarded as the result of a solicitation managed by Procurement staff. For conference arrangements and similar non-competitive joint efforts, the approved Conference Planning and Approval Forms must be attached to an eVA order unless federal funds will be paid to a public institution of higher education. In that case, either a grant award or cooperative agreement may be issued. If a grant award or cooperative agreement will be issued and the governmental entity requires a signature on their agreement (i.e. Virginia Tech), the hard copy agreement must be attached to a cover page that indicates approval by the Director and Assistant Superintendent and forwarded to the Procurement Office for signature. The signed agreement is then attached to the grant award or cooperative agreement. If required information exceeds the one page grant notification form and the grant award is not a Cooperative Agreement, a Memorandum of Understanding (MOU), which can be found at I:\Forms\Grants, may be attached.

If a contract is issued, the policies in Section 4.3.4 apply and approval is documented via eVA. If a grant award is issued, the policies in Section 4.3.6 apply and advance approval from both the Deputy Superintendent of Budget, Finance, and Operations and the Assistant Superintendent for the program area are required via the Grant Routing Slip, which can be found at I:\Forms\Grants.

See Section 4.1 for discussion of the requirement for self-registration in eVA for "Procurement Vendors" and "Fiscal Vendors." Oracle Financials information must match eVA. To comply with IRS regulations and to ensure accurate vendor names, addresses, and coding when payments to other vendors are made, a current W-9 Form must be on file for "Fiscal Vendors" not in eVA.

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- **For non-travel payments to a vendor you have not used before, determine if the vendor is required to be registered in eVA. If not required to be registered in eVA and not an individual, determine if the vendor has submitted a W-9 form to the VDOE by using Oracle Financials Reports available via SSWS.** To protect social security numbers, individuals are not posted to this report.

- If the vendor is not required to be in eVA and a new W-9 form is required, fax or email the Department of Accounts Substitute W-9 Form, which can be found at I:\Forms\Payment & Procurement, to the vendor for completion.

- Because W9s contain personally identifiable information, the form must be submitted by mail directly to Finance. Instructions to the vendor must instruct that the documents be sent "ATTN: Finance" to ensure the envelope will not be opened until delivered to Finance. Fax copies or emails of W9s will not be accepted as they are not secure transmissions. Vendors are to be instructed not to email or fax W9s back to VDOE.

- Program offices are to notify the Office of Finance by email when requests are sent to vendors so Finance is on notice that the documents will be forthcoming. When the documents are received in Finance, Finance will send the documents to the Department of Accounts for processing. Finance will advise program offices by email when the set up for the vendor has been completed.

If you will be purchasing from a foreign vendor, and the vendor is not required to be entered in eVA, contact the Office of Finance at 786-8481 in advance for the required IRS form.

4.3.2 Required Advance Approval

Any obligation of funds must be approved by a VDOE Assistant Superintendent or the Deputy Superintendent in advance. Please see Section 4.1, Procurement, for detailed information concerning procedures and approvals required before making a purchase. In most cases, an eVA purchase order is required.

Agreements for meals, breaks, lodging, meeting rooms, AV equipment, etc., for a Department-sponsored conference or meeting that involves more than just the purchase of meals must be documented on a conference planning form and approved by the Procurement Office in advance. Agreements with hotels must be submitted for Procurement staff approval with an approved conference planning package attached. The signed hotel agreement must be uploaded as an attachment to the eVA order. **"Cost based on Procurement Guidelines" and the**

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business purpose for the expenditure must be documented on the eVA PO and payment request. The vendor must submit an invoice that agrees with the purchase order and lists each lodging room separately.

When more than three VDOE employees attend an off-site meeting or conference, state travel regulations require that a memo or travel authorization form (with a justification, if 5 or more are attending training) be approved in advance by the agency head or designee. The form can be found in the Employee Travel Workbook, which can be found at I:\Forms\Travel Forms.

The pre-approval travel form must be approved by an Assistant Superintendent and/or Deputy Superintendent of Budget, Finance, and Operations prior to paying for a registration.

See Section 4 for additional prior approval required for travel. A "Request for Approval to Hold Office in a Professional Organization Form" should be completed and approved prior to seeking or holding an office in a professional organization.

Use the Working Meal Pre-Approval Form, which can be found at I:\Drive\FORMS\Payment & Procurement, to request prior approval of catered business meals (when the price per person for a break or meal will be equal to or more than the standard rate for breakfast)**. If a federal project code is used for a meal for an administrative meeting, rather than a training event, approval from the grant manager at USED, USDA, or other federal agency must be attached.** Initiate the request two weeks in advance of the event. The cost per meal, including surcharges and delivery fee must not exceed the rate specified for the location in the State Travel Regulations. Upload the approved form, agenda (including topic[s] to be discussed during the meal), and scheduled attendee list with the eVA order in advance of the meeting. The vendor must submit a detailed bill that lists each meal and break separately to ensure that the cost per meal, including taxes and surcharges, does not exceed the rate approved by the Finance Office.

Advance approval of grants is documented on the Grant Routing Slip, which can be found at I:\Forms\Grants. In addition, Grant Awards Notification Forms, which can be found at I:\Forms\Grants, must be approved by the Deputy Superintendent of Budget, Finance, and Operations and the Assistant Superintendent of the program area making the award.

Payments of incentives are exempt from eVA but must be submitted to Procurement staff for approval at least two weeks in advance via the **Pre-Approval of Incentives, and Request for Payment of Incentives, Refunds, Scholarships, & Non-Contractual Reimbursements Form.** This electronic form must be completed through eVA.

State, local, or federal employees who are being paid by their employer shall not be paid by VDOE for a PO, honorarium, or incentive for the same time period. If payment will be made to an individual currently employed by a local school division or other government entity for any other reason except for reimbursement of travel expenses, the **Public Employee Certification Form**, which can be found at I:\Forms\Payment & Procurement, must be attached

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to the eVA requisition form; or, if an incentive, to the **Pre-Approval of Incentives, and Request for Payment of Incentives, Refunds, Scholarships, & Non-Contractual Reimbursements Form**, when requesting payment. These forms are not required if the individual is only receiving reimbursement for travel expenses, but reimbursement for travel expenses must be approved in advance of the event.

If possible, all signatures should be in blue ink so that it is evident that the document is not a copy.

4.3.3 Paying a Vendor Who Accepts the State Small Purchase Charge Card

If a vendor accepts the state small purchase charge card (SPCC) and the invoice, registration, or membership is less than $5,000, it must be charged after required advance approval and eVA receiving has been documented**. This supporting documentation must be attached to the card holder's monthly reconciliation.**

Individuals in each VDOE unit have VDOE small purchase charge cards to be used for purchases up to $5,000. Purchases of food and/or lodging may be charged by those with a special exemption. State policies for SPCC use and reporting are found in the Department of Accounts' (DOA's) Commonwealth Accounting Policies and Procedures (CAPP) Manual. SPCC holders and supervisors receive annual state mandated training, and SPCC/eVA users must attend periodic meetings to ensure they keep up-to-date on policies and procedures.

4.3.4 Paying a Vendor Who Does Not Accept the State Small Purchase Charge Card

If a vendor does not accept the state small purchase charge card or the purchase is more than $5,000, generally invoices are sent to the Finance Office and the program area uses eVA receiving to indicate approval. For payments to recipients of grants from state, federal, or special funds, see Section 4.3.6.

Incentives, refunds, scholarships, payments to substitute teachers, and other non-contractual reimbursements are routed for approval for payment via the **Pre-Approval of Incentives, and Request for Payment of Incentives, Refunds, Scholarships, & Non-Contractual Reimbursements Form** with the required supporting documentation. This electronic form must be completed through eVA. If possible, all signatures should be in blue ink so that it is evident that the document is not a copy.

"Incentive" is currently defined as a payment to a current or retired Virginia public school division employee who is being paid a sum to participate in VDOE-sponsored activities such as training, curriculum development, or grant review. Incentives must be approved by Procurement staff two weeks in advance of the event via the VDOE **Pre-Approval of**

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Incentives, and Request for Payment of Incentives, Refunds, Scholarships, & Non-Contractual Reimbursements Form. This electronic form must be completed through eVA.

4.3.5 Paying for Technology Purchased by VITA

IT goods and services related to these instructions are defined by the list provided on "VITA's IT Goods and Services List" on the **VITA website**. As soon as the eVA goods or services billed to VITA are received at VDOE, the eVA user will indicate this by "receiving" in eVA.

VITA bills VDOE monthly for leased equipment and telephone services.

- **Equipment Client File (program area #)** – this file is downloaded by Finance from VITA's website monthly and includes billing for hardware and messaging. The file will be emailed by the Office of Finance to each office Director monthly; each office Director must review the Client File for accuracy and completeness for hardware and messaging assigned and charged to their respective office, and reply to Finance by the requested return date. Finance must receive all responses by requested due dates to ensure timely distribution of costs to respective offices and project codes.
    - Hardware (Laptops, Desktops, SurfacePros)
        - All offices should have a complete listing of all VITA-issued hardware equipment; if an office doesn't have a listing, each Office Director is strongly encouraged to develop a list including at a minimum the following:
            - All VITA tag numbers
            - Description of asset, e.g. laptop, desktop, SurfacePro, etc.
            - Person to whom the asset is assigned
        - Monthly, each office Director must review the asset listing from the VITA Client File (sent by email from Finance) against the office listing of hardware to verify the accuracy and completeness of the inventory assigned and charged to the office.
            - Identify any discrepancies such as:
                - Missing asset numbers
                - Assets that have been reassigned
                - New asset numbers issued
                - Asset numbers turned in and/or refreshed with new asset numbers, etc.
                - Assets that can be returned to VITA and removed from the inventory

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- Messaging
  - Monthly, each Office Director must review the email accounts listed under "messaging" in the VITA Client File (sent by Finance) to verify that all emails are still active and should be included in the billing. This includes listserv emails that are used by offices *(for example*: *Accounts.Payable@doe.virginia.gov used by Finance for receiving electronic invoices from vendors, or OMEGASupport@doe.virginia.gov used by Finance for the OMEGA email hotline)*
    - ☐ Identify any discrepancies such as:
      - Missing email accounts
      - Email accounts that have been reassigned
      - New email accounts created
      - Email accounts that have been disabled but are still appearing on the bill
      - Email accounts that should be disabled

☐ **Equipment Client File 1100** – this file includes hardware and messaging that have not been assigned to or claimed by an office; therefore, Finance cannot allocate the costs.

- Each month, this file will also be sent to each office Director (by email from Finance) with instructions to look through the asset numbers and messaging to identify any asset numbers or messaging lines that should be assigned to their respective office.
  - If an office Director identifies an asset number or messaging line that belongs to their office, they must include in their email reply instructions for Finance to properly assign the asset number or messaging line to their office with the employee name or office location, and provide the appropriate project code for cost distribution.
  - If an office Director does not identify any asset numbers or messaging lines that belong to their office, they must still reply indicating that no assets or messaging lines belong to their respective office.

☐ **Telephone Client File (program area #)** – this file is downloaded by Finance from VITA's website monthly and includes billing for telephone lines. The file will be emailed by Finance to each office Director monthly; each office Director must review the Client File for accuracy and completeness for telephone lines

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assigned and charged to their respective office, and reply to Finance by the requested return date. Finance must receive all responses by requested due dates to ensure timely distribution of costs to respective offices and project codes.

- All offices should have a complete listing of all telephone numbers; if an office doesn't have a listing, each office Director is strongly encouraged to develop a listing including at a minimum the following:
    - All phone numbers
    - Person to whom the phone number is assigned
        - If an office is vacant that has a phone line, the phone line must still be included in the listing
    - Monthly, each office Director must review the telephone listing from the VITA Client File (sent by email from the Office of Finance) against the office listing of telephone numbers to verify the accuracy and completeness of the telephone numbers assigned and charged to the office.
        - Identify any discrepancies such as:
            - Missing telephone numbers
            - Telephone numbers that have been reassigned
            - New telephone numbers issued
            - Telephone numbers that can be disabled

- **Telephone Client File 1100** – this file includes telephone numbers that have not been assigned to or claimed by an office; therefore, the Office of Finance cannot allocate the costs.
    - Each month, this file will also be sent to each office Director (by email from Finance) with instructions to look through the telephone numbers to identify any telephone numbers that should be assigned to their respective office.
        - If an office Director identifies a telephone number that belongs to their office, they must include in their email reply instructions for Finance to properly assign the telephone number to their office with the employee name or office location, and provide the appropriate project code for cost distribution.
        - If an office Director does not identify any telephone numbers that belong to their office, they must still reply indicating that no telephone numbers belong to their respective office.

4.3.6 Paying a Grant Recipient

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If a grant award is issued, payment is requested via signature on the sub-recipient's reimbursement request, approval in the online reimbursement system (OMEGA), or via a Request for Grantee Payment Form (from Federal funds or from State funds), which can be found at I:\Forms\Grants. A copy of the grant award, and the Cooperative Agreement or Memorandum of Understanding (MOU), if applicable, must be attached.

For payments to a college, university, school division, nonprofit, or state agency for a grant award that is not included in VDOE's OMEGA system, generally the grantee completes an approved standard reimbursement request form, such as the VDOE Request for Grant Reimbursement form, which can be found at I:\Forms\Grants or, if payment is not on a reimbursement basis, on a Request for Grantee Payment Form (from Federal funds or from State funds), which can be found at I:\Forms\Grants. If the grantee is a private entity such as a nonprofit, the Taxpayer ID (EIN) and address must be listed on the reimbursement form. A copy of the approved Grant Award Notification Form, which can be found at I:\Forms\Grants, or applicable section of the Appropriation Act must be attached. In addition, unless private grant recipients can provide a copy of a recent audit indicating appropriate internal controls are in place, additional supporting documentation for reimbursement requests must be provided.

However, unless the grant is to the College of William and Mary, VA Tech, VCU, or UVA, grants from state funds to Virginia institutions of higher education must be paid via Department of Planning and Budget appropriation transfers processed by the Office of Budgeting. Therefore, these payments must be submitted to the Office of Budgeting.

4.4 TRAVEL – POLICY OVERVIEW

Travel expense accounts are open to the public and must be able to sustain the test of public review. As stated in the state travel regulations, "When planning and paying for travel, economy, prudence and necessity are of primary concern. . . travelers and travel planners must seek ways to reduce the cost of essential travel." In addition, compliance with state travel regulations and cost effective travel are a major focus of agency audits and performance reviews.

Employees and non-VDOE employees traveling on official state business will be reimbursed for reasonable and necessary expenses incurred. Every employee is responsible for complying with state travel regulations and the VDOE's travel policies and procedures. State travel regulations are covered in the Commonwealth Accounting Policies and Procedures (CAPP) Manual, Section 20335 State Travel Regulations and Section 20336 State Travel Processing.

Agency management must communicate State travel policies, regulations and procedures to all employees and non-state employees who travel on State business and are reimbursed with state funds.

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SECTION 4.0 Procurement and Accounting

Non-state employees include any individuals who are not employed by the State, but who are conducting State business. This includes the members of boards, authorities, or commissions; contractors; trainers; and interview candidates.

Employees subject to economic interest disclosure reporting must meet all requirements related to travel as outlined in the Code of Virginia § 2.2-3103.1. Certain gifts prohibited.

Travel Planning

Initiating paperwork a minimum of 30 days in advance of the trip is recommended. Become familiar with internal forms and documents used during the travel planning stage by viewing the Employee Travel Workbook at I:\FORMS\Travel Forms. The most recent version of the workbook must be used; prior versions will not be accepted by the Office of Finance.

This workbook includes detailed instructions for obtaining advance travel approval, completing specific forms and locating cost information needed to complete the estimated expenses. If you are traveling overnight on official business more than 25 miles (using the most direct route) from your regular workplace, review the state travel regulations for documentation requirements and the per diem allowance and lodging rate for the location where you are staying for the night. Taxes and surcharges on lodging rates within the guidelines should be included in the travel estimate. **For example, the state travel regulations state, "For planned travel, the traveler must be able to demonstrate, with documentation, that a reasonable effort was made to secure the most cost beneficial means of travel for the Commonwealth." Therefore, this must be evident from the documentation submitted for reimbursement.**

The primary office location where travelers perform their duties on a routine basis is called the Base Point. Multiple base points are not allowed. The area within a 25-mile radius of an employee's Base Point is considered the employee's Work Station. For VDOE employees that live greater than 25 miles from their official Base Point, e.g. Monroe Building, the employee's home address may constitute the Base Point for consideration of approved travel status; and a 25-mile radius from the home address may be considered the Work Station. For example, a VDOE employee lives in Northern Virginia and commutes to the Monroe Building daily as the assigned Base Point; however, the VDOE employee will be attending a conference in the DC area within 25 miles of the home address. The distance from the home address to attend the conference in DC is less than the employee's routine commuting distance from the home address to the established Base Point. Therefore, the VDOE employee will not be eligible for travel status to attend the conference in DC, and will not be approved for overnight lodging and related travel expenses reimbursement.

Travel and Exception Approval in Advance

All travel must have documented approval by an Assistant Superintendent or

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Deputy Superintendent of Budget, Finance, and Operations before the date of the trip, except as noted in the footnote below.* In addition, all out-of-state travel (excluding Washington, D.C.) must be approved in advance by the Superintendent of Public Instruction or designee. Other exceptions requiring advance approval by the Director of Finance include lodging rate if over the state rate, approval for reimbursement paid to the traveler by an outside organization if over the state rate, and when more than three VDOE employees travel to the same destination on the same day. If more than three employees are traveling to the same destination to receive training, a justification for not having the training at VDOE is required. The following forms can be found in the Employee Travel Workbook found at I:\Forms\Travel Forms.

- ☐ Multiple Employees Request Form – more than three VDOE employees travelling to the same event must be approved prior to the event, and must be attached to each traveler's Travel Voucher when submitting a travel voucher for reimbursement.
- ☐ Outside Organization Request Form paying for employee travel costs – must be approved prior to the event, and must be attached to the Travel Voucher when submitted for reimbursement (if applicable).
    - For Conflict of Interest filers, include the approval from the Virginia Conflict of Interest and Ethics Advisory Council ("Council") with the request form.
- ☐ Lodging Overage request to exceed allowable lodging rates – must be approved prior to the event, and must be attached to the Travel Voucher when submitted for reimbursement.
    - When requesting lodging rates over the allowances, be reminded that no lodging rates greater than 150% of the allowable rate will be approved.
    - Requests must include one of the following options of justification with appropriate supporting documentation:
        - If federally funded, approval from the federal awarding agency to exceed the allowable lodging rates.
        - Documented internet search (from the search engine) of hotel comparisons within the requested travel location
        - Cost analysis of additional costs for choosing a more expensive hotel including conference hotels versus a less expensive hotel that may have taxi or rental car expense or parking fees.

The supervisor is responsible for verifying that the dates of travel align with the beginning and ending dates of a conference.

- * *Employees of the Office of Child Care Health and Safety (OCCHS) in the Division of Early Childhood Care and Education who are required to perform frequent, similar state business travel to perform their routine job duties in the field are exempt from the*

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requirement of having the Superintendent of Public Instruction or designee (Asst. or Deputy Supt.) approve such travel in advance. The immediate supervisors of these employees must approve their travel in advance and maintain the records of said approvals onsite for review. However, state business travel for these employees that is other than their frequent, similar travel to perform their routine job duties in the field, such as conference attendance or out-of-state travel, must be approved according to all required processes under the state travel regulations and agency requirements.

Section 2.2-2813 of the *Code of Virginia* requires direct deposit for compensation paid to citizen members of state boards, commissions, and other collegial bodies to enroll in direct deposit by submitting the **Non-Employee EDI Form**, which can be found at I:\Forms\Travel Forms\EDI Forms. A new form is required each time you change an account or account number, even if it is at the same bank.

Travel Credits

Travel credits, reduced rates, or free services received from public facilities (examples: airline, car rental agencies, motels, etc.) by individuals for whatever reason accrue to the Commonwealth. Any such credit, reduced rate, or free service must be reported to the agency fiscal office and must be deducted from the amount of travel expenses claimed.

Travelers are not permitted to earn personal frequent flyer miles, hotel membership credits, or any other membership benefits that would result in reduced rates or free services in any individual traveler's name for personal use. If membership earnings are realized, the value of the earned benefit must be deducted from the traveler's reimbursement.

Airline Travel

If you need to purchase an airline ticket, check flight information to your destination on the **official** internet airline websites (not Priceline, Travelocity, etc.) to determine which two **coach fare** flights best meet your needs. See the Employee Travel Workbook, which can be found at I:\Forms\Travel Forms, for forms and additional information.

Quotes must be obtained the same day to be a valid comparison. Use the amount listed at that time to estimate the ticket price on forms. (You can't get a "final price" until the ticket is actually purchased by a holder of a VDOE travel charge card.) Your ticket will be purchased online and your e-ticket emailed to you once the ticket purchase is confirmed.

If the trip is cancelled, notify the Finance Office or the individual who purchased the ticket by providing the ticket documentation immediately. Book your next trip with the same

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airline and provide documentation of the cancelled ticket to the individual purchasing the ticket. The credit for the cancelled ticket (original price less a fee) must be used toward the purchase of your next VDOE airline ticket. If the trip or flight is cancelled and not immediately re-booked, the ticket documentation must be given to the Director of Finance for safekeeping. Cancelled tickets (full fare and non-refundable) may hold some residual value depending upon specific airline policies and restrictions. Cancelled ticket values will be provided to the holders of Airline Travel Cards to use for future travel events to ensure that any residual value is used for official Agency business.

Please review airline ticket requests for accuracy. Ticket change fees usually run around $150.00. If you need to make a change after your ticket has been purchased, you must submit a reason for the ticket change signed by your supervisor which authorizes the additional expense to be charged to the project code of the original ticket purchase. **The supervisor is responsible for approving any change to the method of transportation.** If all or part of a ticket cannot be used, the amount credited by the airline must be applied to the traveler's next airline ticket for state business travel.

When a VDOE employee or a non-VDOE employee elects to purchase their own airline ticket, the following conditions must be met. The ticket must be for coach and the hard copy final page from the Internet site showing total cost and confirmed service, and the ticket stub showing the type of ticket purchased must be attached to the Travel Expense Reimbursement Voucher. If the trip is canceled and the ticket cannot be canceled, you may not be reimbursed. The dollar value of travel credits, membership or frequent flyer points, future reduced rates, or free services must be reported to the Office of Finance and deducted from the amount of travel expenses being claimed.

Train Travel

Train tickets can be purchased online or at an Amtrak station. Only coach fares are reimbursed. If available, a boarding pass should also be attached. If the trip is canceled and the ticket cannot be canceled, you cannot be reimbursed.

Automobile Travel

Employees have the choice between using their personal car and using a "state car." V**DOE has some permanently assigned cars which are available for use. Contact the Office of Support Services or your supervisor for information.** Fleet vehicles for official state business are made available on a rental basis through a State contract with a rental car company. If an employee chooses to use their personal vehicle when it is not "cost beneficial to the state" (see "Personal Vehicles" below) the employee will be reimbursed at 24.6 cents per mile. Even if use of a personal vehicle is considered cost beneficial to the state, a fleet vehicle may be used.

Fleet Vehicles

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In an emergency situation, such as needing a rental car because a flight was missed due to a late connecting flight, contact Enterprise at 1-800-261-7331, and request the Virginia State contract price.

Department employees who drive "state cars" (Enterprise rental vehicles or fleet vehicles permanently assigned to the agency) must use a state-issued credit card for fuel (currently "Voyager") available from the Office of Support Services. In unusual circumstances, those who were not able to pick up a state-issued fuel credit card may be personally reimbursed for the purchase of fuel, but reimbursement will be limited to the lower state VDOT issue price per gallon for the month in which the fuel was purchased.

The PIN number for the Voyager card is the Vehicle Number on the card. The Voyager card will become "Locked Out" once a PIN number has been entered incorrectly more than 3 consecutive times. The Card will not be usable again until the account is unlocked by the program manager. This affects both OFMS fleet vehicles and agency Voyager cards (Enterprise fuel cards).

If you are driving a fleet vehicle and the card has been locked out, you should contact OFMS immediately at (804) 367-6935. OFMS will unlock the account and the card will be immediately reactivated.

If you are driving the agency owned vehicle or an Enterprise vehicle and the card has been locked out, you should contact Office of Support Services at (804) 225-2037 immediately. Office of Support Services will notify the card company to have the card reactivated.

When booking a vehicle through Enterprise, DO NOT GO DIRECTLY TO THE ENTERPRISE WEBSITE. Please follow the steps below:

1. Open web browser to the following: http://fleet.dgs.virginia.gov
2. Scroll down and on the right-hand side click on "Travel Planning and Enterprise Rental."
3. Scroll down the page and click on "Trip Calculator."
4. At the bottom of the Trip Calculator, click "Go to Enterprise."
5. This will take you into the Commonwealth of Virginia Enterprise website.
6. Click on "E" and select "Department of Education."
7. You can then book your vehicle.
8. You must print out the reservation, record the project code and get your supervisor's approval, and then take it to Support Services to obtain a state-issued credit card for fuel.

Please remember the following:

1. Book a compact vehicle unless you have a lot of baggage that you are transporting or

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there is more than one person traveling in the vehicle. Please make a note of this on the confirmation submitted to the Office of Support Services for fuel card pickup. The confirmation should include a supervisor's signature and the project code to be charged for the trip.

2. Do not upgrade your vehicle once you get to the Enterprise pickup unless you have documentation that VDOE will not be charged a higher rate.
3. The credit card must be returned to Support Services immediately after your trip, along with the completed Trip Log.

If you have any questions concerning the booking of an Enterprise vehicle, please contact the Office of Support Services.

Additional Information:

- Pick-up days and times vary by car rental location site. Check for locations and times cars can be picked up and returned at the Enterprise Rent-A-Car website.
- Click on "Trip Calculator" to determine which vehicle is "cost beneficial to the state" – personal vehicle or enterprise vehicle. Any differences in the number of days of the trip used in the Trip Calculator to the actual days of the trip must be explained. For example, if the employee has to be at a meeting at 9 a.m. that is two hours away, the Enterprise car may have to be picked up the day before. If the meeting ends at 5 p.m. and the Enterprise location closes at 6 p.m., verify that the car can be returned that night and the keys placed in a lockbox to prevent a third day's rental. If the trip calculator results support that use of a personal vehicle is "cost beneficial to the state", the employee will be reimbursed at the standard IRS mileage rate in effect for the date(s) of the trip (vs. 24.6 cents per mile).
- Vehicles must be refueled prior to returning them to an Enterprise location.
- Teleworking on days immediately preceding or following travel days does not justify picking up or dropping rental cars a day earlier or a day later.
- **Refer to pages 39-41 of the Travel Regulations for insurance requirements and refueling requirements.**

As stated on page 40:

Additionally, a traveler may encounter a situation when renting a car outside of Virginia and the car rental company requires the traveler to obtain coverage from the car rental company or show some evidence of insurance. The traveler should determine if this requirement is in effect for their travel destination and if so obtain a "Proof of Insurance" certificate from the Division of Risk Management. This can be obtained on-line from the Department of Treasury website at:
http://www.trs.virginia.gov/drm/state.aspx

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The completed Proof of Insurance Form can be taken to the Office of Finance so that it can be faxed to the Department of Treasury for signature.

Personal Vehicles

The number of round-trip miles driven by an employee between his/her residence and the Monroe Building (or other assigned base point)* is "daily commuting mileage." When an employee requests reimbursement for driving his/her personal car to another location to conduct official state business on a scheduled workday, and departs from and returns to his/her residence, rather than his/her base point, the employee's daily commuting mileage must be documented on the travel voucher and deducted from the total miles driven to determine the number of miles requested for reimbursement. Employees do not have to deduct commuting miles on a regular telecommute day. The rationale is that on those days they did not expect commuting miles.

Generally, a personal automobile is considered cost beneficial to the state for day trips up to 200 miles a day and for overnight trips where the average daily mileage is less than 200 miles. Even if the average daily mileage is more than 200 miles per day, the OFMS Trip Cost Comparison may indicate that the use of a personal car is cost beneficial to the state. Under these circumstances, if the employee drives their personal car, the "COST BENEFICIAL TO THE STATE" box is checked on the travel reimbursement voucher and a copy of the OFMS Trip Cost Comparison must be attached.

If a fleet vehicle is not available, use of a personal automobile is considered cost beneficial and the employee is reimbursed at the standard IRS mileage rate in effect on the date of the trip (vs. 24.6 cents per mile) if documentation from the website is attached showing that the employee attempted to reserve the rental car at least 24 hours in advance.

- **If traveling greater than 200 miles per day**, the traveler must complete the trip calculator; Personally-Owned Vehicle (POV)
  - If Enterprise rental car cost < POV cost and traveler elects to use POV, traveler is only eligible for lower mileage rate.
  - If Enterprise rental car cost > POV cost and traveler elects to use POV, traveler is eligible for higher mileage rate (POV rate).

- **If traveling less than 200 miles per day**, the following are the two most reasonable options:
  - Traveler requests use of State-owned vehicle assigned to VDOE (through Office of Support Services – Transportation)
    - If a State-owned vehicle is not available for their use, documentation of effort must be attached to the travel voucher when submitted for reimbursement in order to be eligible for the higher POV mileage rate.
  - Traveler uses POV for employee convenience (does not request or inquire about

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State-owned vehicle), and accepts lower mileage rate reimbursement

- Teleworking is a privilege and does not warrant using a personal vehicle and claiming higher mileage rates for accommodating telework days immediately preceding or following travel days.
- Preference in using personal vehicles to accommodate traveler convenience does not warrant being reimbursed at the higher mileage rate (POV rate); POV rate may only be claimed where the cost is beneficial to the state (documented on the Trip Calculator) and/or no state vehicles are available. Otherwise, mileage rate will be at the lower Fleet rate.

Non-state employees on official state business are always reimbursed at the standard IRS mileage rate in effect on the date of the trip.

**Employees of the OCCHS who are required to perform frequent, similar state business travel to perform their routine job duties in the field will use their "home base" when determining their "daily commuting mileage." "Home base" is defined as: field office, permanent location where their assigned car is parked overnight, or their residence if they are permanent teleworkers.*

Lodging and Meals

If you are traveling overnight on official business more than 25 miles from your regular work place (using the most direct route), review the per diem rates and lodging rates (excluding taxes and surcharges) in the Travel Regulations for the time period and the location where you will be spending the night. Taxes and surcharges on lodging are reimbursable. **If the hotel is not actually located within the city or county listed, the standard in-state or out-of-state rate applies.** Reimbursement for meals, bellhop/waiter/taxi/limousine tips, personal telephone calls, laundry, and transportation between lodging or business and places where meals may be taken is part of the "M&IE" per diem rate and is based on the lodging location and whether or not it is a "travel day."

GSA M&IE Rates can be found on the GSA website.

Reimbursement for the use of Airbnb or similar lodging alternatives for official state business travel is not permitted. Although Airbnb may be a less expensive alternative to hotel/motel lodging in some cases, the safety of travelers is a concern. With reputable hotels/motels, there is an expectation of safety within the structure, whereas, there is no guarantee of minimum safety requirements being met with Airbnb and similar alternatives.

The primary office location where travelers perform their duties on a routine basis is called the Base Point. Multiple base points are not allowed. The area within a 25-mile radius of an employee's Base Point is considered the employee's Work Station. For VDOE employees that

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live greater than 25 miles from their official Base Point, e.g. Monroe Building, the employee's home address may constitute the Base Point for consideration of approved travel status; and a 25-mile radius from the home address may be considered the Work Station. For example, a VDOE employee lives in Northern Virginia and commutes to the Monroe Building daily as the assigned Base Point; however, the VDOE employee will be attending a conference in the DC area within 25 miles of the home address. The distance from the home address to attend the conference in DC is less than the employee's routine commuting distance from the home address to the established Base Point. Therefore, the VDOE employee will not be eligible for travel status to attend the conference in DC, and will not be approved for overnight lodging and related travel expenses reimbursement.

- For each travel day an overnight traveler requests an M&IE, column 2 must be used to indicate whether or not any meals were provided at no charge. If no meals were provided, "No meals provided" must be written in column 2 with the other required information.

The GSA website must be used to calculate prorations and deductions for meal per diems.

On a travel departure or return day, 75% of the M&IE rate is reimbursed. For trips involving multiple travel destinations, base the reduction rate in effect for where the night was spent as follows:

- Departure Day: Where you spend the night.
- Return Day: Where you spent the night before returning to home base.

When a meal, including a continental breakfast or reception, is provided at no cost during overnight travel, the type of meal (breakfast, lunch, and/or dinner) must be recorded on the travel voucher in column 2. The M&IE requested must be reduced for the applicable meal(s) amount listed in the M&IE Rate Table found at the link above for prorations and deductions for meal per diems. If a meal is offered and the traveler has medical or other dietary restrictions, the traveler should make every effort to have the conference or meeting facilitate his/her needs by the deadline specified by the conference or meeting. If the conference or meeting does not honor the request, the traveler must include a note or other documentation with the travel voucher, along with a receipt for the alternate meal purchased. In that case, the traveler will be reimbursed for the cost of the alternate meal purchased, up to the amount listed in the M&IE Rate Table. If a breakfast is offered at no charge by the hotel and the traveler does not partake in the breakfast due to any reasonable circumstance (e.g. early work hours do not allow for participation in the provided breakfast, the food provided was not adequate, the traveler's dietary needs were not met, etc.), then the traveler must notate this on the Travel Expense Reimbursement Voucher.

The Department of General Services publishes a list of Virginia and DC hotels within the state rate.

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If a conference hotel exceeds the allowable lodging rate, the traveler can pay the difference, find a hotel within state rates using the Hotel & Lodging Guide, or perform a location search on an Internet site for hotels in the same destination. If you cannot find a hotel within the allowable rate, attach the search results to the request form included in the travel workbook, along with the additional costs of not staying at the conference hotel. The travel exception must be approved by the Director of Finance. Exceptions in excess of 50 percent above the listed rates cannot be approved. Approval of exceptions must be received in advance of the trip.

Additional Travel Expenses

- Business telephone calls, facsimiles, and Internet usage must be fully explained on the reimbursement accompanied by supporting documentation. When purchasing internet access or public WiFi services for use on a state-issued device, travelers may only access public networks or WiFi using their VPN connection to ensure compliance with IT security standards (reference 3.5.5 Computer Remote Access/Home Equipment in this manual). Tolls and parking fees are reimbursable and a receipt is required for reimbursement claims where each individual claim is greater than $75. Other incidental travel expenses must be claimed as an "other expense" on the travel reimbursement voucher and explained in column 2. Personal cellular telephone calls are reimbursable when shown to be necessary. Attach an itemized cell phone statement to the travel voucher. Employees approved for VITA's Bring Your Own Device (BYOD) option are not eligible for reimbursement of individual business calls on a travel voucher. Fees for checking luggage at airports are reimbursed when an original receipt is provided.
    - Expenditures listed in the 'Other' column must include a complete description of the costs and be recorded at the individual cost.
- For taxis, shuttle vans and other forms of on demand or reserved "for hire transportation," receipts are required **only** if the reimbursement claim exceeds $75 per instance. A reason must be identified on the voucher of the necessity for **reserved** "for hire" transportation. Reimbursement for limousine or other forms of luxury transportation services are not allowed. See page 35 of the State Travel Regulations for documentation required for taxis and other "for hire" transportation.
    - Be reminded that taxi/cab/Uber fare tipping is limited to 15% only; any tips over the 15% allowance will not be reimbursed.
- Approved travel authorizations with all supporting documentation must be attached to the Travel Voucher when submitted for reimbursement.
- All appropriate receipts must be attached.
- All signatures and approvals must be obtained and completed in ink; where delegated authorities have signed, a copy of the delegated authority memo must

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be attached.

Disallowed expenses are listed on page 25 of the state travel regulations.

Reimbursement of Expenses

Claims for reimbursement of travel expenses incurred must be reported on the Travel Expense Reimbursement Voucher that covers the date(s) of the trip so that the correct standard IRS mileage rate is used in the calculations. The form can be found at I:\Drive\FORMS\Travel Forms.

By signing the travel reimbursement request, the traveler is certifying the accuracy of all information, the legitimacy of the travel, and the appropriateness of the expenses. The signature of the traveler's supervisor certifies that he/she agrees that the travel was necessary and the requested reimbursements are proper. Including false information on a travel voucher is an example of "falsification of records," which is a violation (Group III offense) under the DHRM Standards of Conduct.

Before the voucher can be paid, all appropriate receipts must be attached and miscellaneous expenses sufficiently explained. The original of the approved pre-approval form and all attachments on which exception approvals are based must be submitted with the Travel Expense Reimbursement Voucher.

Meals provided by the conference or meeting must be deducted from the per diem requested as outlined in the **Lodging and Meals** section above. If an alternate meal is purchased due to dietary or other reasons, receipts are required for reimbursement as detailed in that section.

The voucher must be submitted to the employee's supervisor within 30 working days after completion of the last trip submitted on the travel voucher. The supervisor must submit the travel voucher to the Office of Finance within three days of receipt. Travel vouchers for non-state employees must be approved by the supervising director and submitted to the Finance Office within three working days of receipt. **If possible, all signatures should be in blue ink so that it is evident that the document is not a copy.**

DOE Employee Travel Costs as Part of a Grant Award – when program offices make grant awards to sub-recipients to host or sponsor events that include lodging, meals, or other VDOE employee travel costs, VDOE employees may not be included in the grant costs charged by the sub-recipients for reimbursement under the grant.

Specific to Non-VDOE Employee Travel

If a purchase order (contract) has been issued to a non-state traveler, travel expenses must be included as part of the vendor's invoice. To provide sufficient detail of travel expenses, the

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traveler must attach a completed travel voucher to their invoice. Signatures are not required if the travel voucher is attached to an invoice.

Travel related expenses are reimbursed to an individual, not a business entity.

Memo authorizations must be prepared and approvals obtained prior to travel of non-VDOE employees.

W9s for non-VDOE employees (that have not recently traveled and received reimbursement from VDOE) must be secured to ensure timely set-up of the Fiscal Vendor in Cardinal immediately prior to the travel event.

- W9s must be completed entirely by the traveler; incomplete W9s cannot be modified by VDOE program staff or Finance staff, and must be returned to the traveler for correction and resubmission, causing delays in travel reimbursement payments.

Non-state employees are only reimbursed for mileage if they drove their personal car and for meals if they stayed overnight and meals were not provided by the meeting or conference. If a non-VDOE employee requests a per diem for meals and incidentals on a given day, in column 2 of the travel voucher either the statement: "No meals provided" must be written, or a list of the meals provided must be included.

The following are the procedures for setting up a Board Member or Non-State Employee for Electronic Data Interchange (EDI) for payments from VDOE. No payments may be made to Board Members or non-VDOE employees until their fiscal vendor status and EDI payment method have been set up.

For the Non-State Employee form, the Vendor ID Number will be the Board Member's or non-VDOE employee's social security number.

Each new request must have the correct EDI form (Non-State Employee form or Board Member form) filled out completely with an attached voided check, the Commonwealth Substitute W9 form which can be found at I:\Forms\Payment & Procurement, and a signed letter on bank letterhead from the Board Member's or non-VDOE employee's bank that supports the routing and account numbers provided. Additionally, if the person is a Board Member, documentation supporting the Board Member's appointment to the Board must be attached to the forms submitted.

Because the documents contain personally identifiable information, all documents must be submitted at the same time to Finance. Instructions to the Board Member or non-VDOE employee must instruct that the documents be sent "ATTN: Finance" to ensure the envelope will not be opened until delivered to Finance. Fax copies or emails of W9s and EDI forms will not be

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accepted as they are not secure transmissions. Board Members and non-VDOE employees are to be instructed not to email or fax W9s and EDI forms back to VDOE.

Program offices are to notify Finance by email when requests are sent to Board Members or non-VDOE travelers requesting the above documentation so Finance is on notice that the documents will be forthcoming. When the documents are received in Finance, Finance will send the documents to the Department of Accounts (DOA) for processing. Finance will advise program offices by email when the set up for Board Members or non-VDOE employees has been completed.

FREQUENTLY ASKED QUESTIONS

1) I have the required approval to attend a **local conference** and have charged the reservation on my credit card. How can I get reimbursed?
   - Submit the reimbursement request on a Travel Expense Reimbursement Voucher. A receipt that shows the registration fee has been paid must be attached.

2) Is **advance approval** required for all travel for VDOE and non-VDOE employees?
   - Yes, advance approval from an Assistant or Deputy Superintendent is required for all travel, with the exception of the employees of the OCCHS in the Division of Early Childhood Care and Education who are required to perform frequent, similar state business travel to perform their routine job duties in the field. The immediate supervisors of these employees must approve their travel related to routine job duties in advance and maintain the records of said approvals onsite for review.

3) I am a VDOE employee. If my personal car is used for business related travel, will mileage be reimbursed?
   - Yes, **personal vehicle mileage** is reimbursed. If it is cost beneficial to the state, the reimbursement is at the higher IRS mileage rate. To determine this, use the **trip calculator** under Trip Planning and Enterprise Rental on the Department of General Services website.

4) What is the rate for mileage reimbursement?
   - The standard IRS mileage rate in effect for the date of the trip is paid if personal automobile use is cost beneficial to the state or if a fleet vehicle is not available. Non-state employees on official state business are reimbursed at the standard IRS rate.

5) Do all travel related expenditures require **original receipts**?
   - You must provide original hotel bills that contain sufficient details to provide the dates, amounts, taxes and other miscellaneous charges incurred during the stay. Original

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receipts are required for baggage fees; for parking or tolls exceeding $75; and for base taxi fares exceeding $75. Receipts for meals are not required.

6) Will a check be issued for reimbursement of travel expenses?
   - All employees must use **direct deposit** if traveling more than twice in one year. Non-VDOE employees who receive travel reimbursements are expected to enroll in direct deposit if they are part of a group that meets more than twice a year.

7) Is a **W-9 form** required for non-VDOE employees who are seeking travel expense reimbursement only (and have not, and will not, be paid an honoraria, incentive, or via a PO)?
   - Yes, in order for non-VDOE employees to be processed for any payments in Cardinal, a W-9 is required to set them up as a fiscal vendor.

8) My home **address has changed**. Do I need to notify the Finance Office?
   - Yes, you must notify the VDOE Office of Human Capital for HR purposes, as well as the Office of Finance so employee profiles can be updated in Cardinal.

9) I am attending a conference with a co-worker and we would like to share a hotel room. Will I be reimbursed?
   - Yes. You can be reimbursed for the charges to share a room according to the lodging rate applicable to the travel destination. Documentation from the hotel listing additional hotel charges for each additional person, per room must be provided. See page 17 of the travel regulations.

10) I know there are two different rates used to **calculate personal mileage reimbursement**. How can I find out which one I should use?
   - Divide total trip mileage by the number of days of the trip. If the result is less than 200, you may be reimbursed at the higher mileage rate if the cost is beneficial to the state and there were no available state vehicles.

11) Is it acceptable to submit my travel voucher **handwritten**?
   - Illegible forms cannot be processed. The Travel Expense Reimbursement Voucher must be completed online because calculations are performed and totals are automatically calculated.

12) An **external organization** is reimbursing an employee for the airline ticket. Does the employee need to follow the procedures for the Cost Benefit Analysis and Travel Pre-Approval form?
   - Yes.

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13) I am attending a conference in a few months and, for personal reasons, would like to purchase my own **airline ticket**. Will I be reimbursed? Do I need to complete all paperwork?

- The forms, other than the Ticket Request, are still required, as well as the hard copy confirmation from the Internet site showing the cost and the ticket stub showing that a regular (not premium) coach ticket was purchased. The procedures for requesting reimbursement for travel related expenses are the same. If you are unable to attend the conference, we will not be able to reimburse you.

14) Can I request a travel advance?

- Only after requesting a state-issued travel charge card and being denied due to credit issues. (Employees issued state-issued travel cards must pay the full amount due by the due date each month.)

4.5 RECEIPT OF CHECKS, CASH, AND MONEY ORDERS – POLICY OVERVIEW

- **No cash may be accepted**. All payments to VDOE, including payments for conference registration or any other service provided by VDOE, must be by check or money order made payable to the **Treasurer of Virginia**.

- Checks must meet all of the following requirements to be accepted by the bank (unacceptable checks must be returned to the issuer):

  - Signature
  - Current date (within last 6 months)
  - Written amount and dollar amount match
  - US bank as the depository
  - Written in US dollars
  - VDOE deposit stamp in the indicated area on the back
  - Written in ink
  - Payable to Treasurer of Virginia (Department of Education will be accepted)
  - No torn areas that involve the coding, signature, bank ID or other areas that must be read
  - No staples in the check

- All documents/materials that request payment to VDOE must use in the remittance

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address: **ATTN: Finance**. The only exceptions to this are the documents/materials that request payment originating from the Office of Teacher Licensure.

- All checks and money orders received in a program office must be recorded on a Transmittal Form and submitted to the Finance Office by hand delivery within one business day of receipt. Transmittals are limited to 50 entries per form. The Finance Office accepts checks from 9 to 11 am daily. If a program area receives a large volume of checks on an ongoing basis, the Assistant Superintendent may request that checks be accepted between 2 and 2:30 pm as well. The employee delivering the transmittal must wait for the Office of Finance staff to verify the funds transmitted and sign the unit's copy of the transmittal form.

- Any check or money order representing a partial or complete refund of a check issued by VDOE must be sent directly to the Finance Office, not to the program area responsible for the original payment. A cover letter explaining the source of funds and the reason for the refund should accompany the refund check sent to VDOE.

- All program areas receiving funds must contact the Finance Office by January 1 of each year to receive training regarding reconciliation of receipts and internal controls.

- All fees collected and deposited must be reconciled to registration forms, documents issued, etc. All reconciliation documentation should be maintained in the program area until audited.

- The procedures in Section 4.5.2 are followed when a check is returned for any reason and goods or services have been provided. It is critical that social security numbers and addresses are provided when checks are accepted so that collection efforts may be made in accordance with state regulations. Returned check policies should be included in registration materials and order forms.

- No program area may issue an invoice after a service is provided or otherwise create a receivable for the agency without documented prior approval from the Office of Finance.

- Accepting a purchase order in lieu of advance payment creates a receivable and is not allowed.

4.5.1 Procedures for Depositing Funds

- Mark all checks, money orders, etc., "For Deposit Only, Treasurer of Virginia, Department of Education (201)" immediately upon receipt. (Stamps have been

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distributed to program areas.) As the payee, your endorsement will be limited to only 1 1/2 inches at the top of the back of the check. If you stamp information that obscures spacing intended for the bank endorsement, you risk losing the right to refuse a dishonored check that is returned by a bank.

- Log all collections, whether checks or money orders, on the Transmittal Form or equivalent document.
- Receipts are not required for checks received because the canceled check serves as the record of payment.
- Complete two copies of the Transmittal Form. The form must be signed by the unit supervisor (or designee authorized by the unit supervisor). Two signatures are required. The individual who prepared it cannot approve the form. Do not send checks or money orders through interoffice mail or leave them unsecured.
- Hand-deliver two copies of the Transmittal Form to the Office of Finance with all checks and money orders. The Office of Finance accepts checks from 9 to 11 am daily. The person delivering the Transmittal Form must wait for Finance staff to confirm the amount of the deposit and record the verification on all copies of the Transmittal Form.
- Deposits are being electronically transmitted to the bank.
- The Oracle "OF Inquiry" Actual Transaction Detail Report will reflect the deposit.
- Program offices will be notified of checks returned by the bank. The amount of the returned check will be deducted from their operating budget project code pending collection efforts. Program offices are responsible for reconciling expected revenue to deposits and maintaining all related records until audited.

4.5.2 Procedures for Handling Returned Checks and Accounts Receivable

The Department of Accounts (DOA) CAPP Manual Topic Number 20505 and guidance from DOA will be followed when identifying and collecting non-state funds due to VDOE. Prospective debtors include Virginia Teaching Scholarship Loan Program (VTSLP) recipients, Virtual Virginia program participants, individuals making FOIA requests, and individuals and entities submitting checks in the amount of $25 or more for licenses, certificates, and other VDOE services.

To ensure VDOE can follow state mandated collection procedures, program areas who

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accept checks or manage the programs listed above must collect the "issuer's" full name and address, and, if possible, a driver's license number or social security number in advance. In addition, if checks of $25 or more will be submitted to VDOE, the program area must notify individuals in advance that returned checks will incur a handling fee of $50, and, if necessary the unpaid balance will be submitted to the Comptroller's Debt Set-Off Program and/or referred for collection to the Attorney General's Office or to a collection agency, possibly resulting in attorney's fees or additional collection fees.

Returned Checks

In the event any check is returned by the bank, the Finance Office notifies the VDOE unit that transmitted the check to the Finance Office for deposit, and deducts the amount of the returned check from the revenue recorded for that project code.

Checks Less Than $25

Based on guidance from the DOA, if VDOE charges a $50 returned check fee for a check under $25, this would create a receivable that would have to be collected as outlined in the "Collections" section below, which is not considered cost beneficial to the state. Therefore, a returned check fee will not be charged for checks less than $25. However, collection will be attempted for the amount of the returned check. For checks less than $25 did not clear the bank, Finance will send a letter to the issuer requesting a money order to replace the check; the program office will be notified of this action.

In addition, program area staff will note this on the "customer's" record so that a money order will be required for any future payments until the debt is cleared. When the payment is received, a thank you letter will be sent and a notation made on the "customer's" record.

Checks $25 and Over

Any checks $25 and above returned to the VDOE will have a $50 processing fee assessed. The returned check fee and state mandated collection procedures should be noted in any related correspondence by the unit. Once the Office of Finance notifies a unit that a check for $25 or above transmitted for deposit has been returned by the bank, the check is treated as an "account receivable" and DOA collection procedures must be followed.

The chart below lists actions that will be taken by the Fiscal Services Office and the VDOE unit that attempted to deposit the returned check. Additional procedures noted on page 13 of CAPP Manual section 20505 Accounts Receivable will be followed for returned checks greater than $999.

Collection Procedures for Returned Checks $25 to $999

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Age of Accounts		$ 25 - 999
1-30 days past due (31-60 days aged)	Finance Office	• Mail first past-due letter, including notification of the $50 fee and the CAPP Manual requirement advising the debtor will be sent to Debt Set-off Program when debt is 31days past due. • Notify the Office of Finance if payment is received.
31-59 days past due (61-89 days aged)	Finance Office	• Mail second and third past-due letter, including notification of Code §2.2-4806 actions (see CAPP Manual subtopic "Use of Specific Collection Techniques"). • Make phone contact and get a promise to pay. • Notify the Office of Finance if payment is received.
31-59 days past due (61-89 days aged)	Finance Office	• Send to Debt Set-off Programs (required: see CAPP subtopic "Debt Set-off Programs"). • Notify the Program Area if payment is received.
60 + days past due (90+ days aged)	Finance Office	• Send to private collection agency or Office of the Atty. General, Div. of Debt Collection. • Notify the Program Area if payment is received.
60 + days past due (90+ days aged)	Program Area	• Refuse additional service to the delinquent debtor where this does not conflict with Federal or State laws (see CAPP subtopic "Provision of State Services to Delinquent Debtors"). • Notify the Finance Office if payment is received.

Virginia Teaching Scholarship Loan Program (VTSLP)

The Office of Finance will contact VTSLP recipients regarding payback options. Payments can be made in a lump sum or a payment plan can be established that includes interest. The Finance Office records payments and follows up on collections in accordance with CAPP Manual procedures.

Virtual Virginia Program

Virtual Virginia program staff will submit student enrollment information to the Office of Finance. The Office of Finance sends out invoices, records payments and follows up on collections in accordance with CAPP Manual procedures and DOA guidance.

FOIA Requests

FOIA request information is provided by the Policy Office. The Office of Finance will record payments and follow up on collections in accordance with CAPP Manual procedures. The *Code of Virginia* does not permit collection of funds upfront unless the estimated cost is over $200.

Waiving Fees

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Any item that has been recorded as an Accounts Receivable item may not be waived without approval from the Attorney General's Office, or the Program Office.

Program Office Directors may issue waivers for billed services originating in their program office. Any waivers issued by program offices for billed services must be communicated to Finance immediately in writing to ensure timely recording in the change in receivables balances.

4.5.3 Procedures for Solicitation and Acceptance of Donations or Gifts

If you are considering soliciting and/or accepting donations or gifts from a private organization, the Appropriation Act § 4-2.01 Non-general Fund Revenues requires that state agencies obtain Governor's approval to do so prior to solicitation or acceptance. Requests for submission to the Governor's Office must be submitted to the Superintendent of Public Instruction for consideration. The Deputy Superintendent of Budget, Finance, and Operations will assist with submitting the approval letter to the DPB. The approval process may take up to 4 weeks.

4.6 FIXED ASSETS (VDOE EQUIPMENT)

This section covers VDOE-owned equipment. Most computer equipment tagged with a small VITA inventory tag is owned by VITA. See Section 4.1.3 for information about equipment repairs and additional information. See Section 3.5 for policies and procedures for VITA-owned computer equipment.

Responsibilities of Directors, Assistant and Deputy Superintendents, and other supervisors:

- Track and maintain documentation of all VDOE equipment with acquisition values less than $5,000 assigned to employees, contractors, or other entities.
  - Controllable assets include, but may not be limited to:
    - DOE-Owned equipment only; do not include VITA-owned equipment.
    - All technology devices, e.g. monitors, iPads, tablets, desktop printers, digital devices, cell phones, cameras, etc.
    - Any equipment that has a serial number that uniquely identifies the item for tracking, such as desktop phones
    - At a minimum, the following account codes (object codes) that will be considered in tracking purchased assets are as follows:
      - 5022110 – Desktop Client Computers

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- 5022120 – Mobile Client Computers (laptops, docking stations, tablets, iPads)
- 5022170 – Other Computer Equipment (desktop printers)
- 5022230 – Exhibit Equipment
- 5022310 – Electronic Equipment
- 5022320 – Photographic Equipment
- 5022330 – Voice and Data Transmission Equipment
- 5022640 – Office Machines

- Document approval for taking any VDOE equipment off-site with a signed DOE Off-site Equipment Checkout Form. Copies of the form should be kept by both the supervisor and the employee or contractor.

- Properly safeguard VDOE assets within the office. Any theft of state property, regardless of amount, must be reported to the Capitol Police immediately. The Director of Finance must be notified as well. A copy of the police report should be sent to the Office of Finance.

- Ensure all VDOE equipment is returned when the employee or contractor leaves VDOE. (The Office of Finance can provide a supervisor with a FAACS listing of equipment that has been assigned to an employee.)

- Surplus items cannot be donated or sold, and assets may not be loaned or reassigned to an outside entity without Director of Finance approval. Assets purchased with federal funds with a fair market value of $5,000 or more must be handled in accordance with federal regulations. If an item is no longer needed and can be declared surplus, contact the Office of Support Services for a "Surplus Property Form" and procedures.

- Notify the Director of Finance of transfers and disposals of VDOE equipment within one week of the change. This includes personnel changes, physical relocation within or outside of the James Monroe Building, and surplus, loss, or theft of a VDOE asset.

- Notify the Director of Finance immediately of receipt of any donated fixed assets for use in VDOE.

- Assist the Office of Finance in conducting physical inventories of equipment to ensure that VDOE's inventory of listed fixed assets and controllable assets are current

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and accurate.

- For any leases over $5,000, send a copy of the approved eVA purchase order, lease agreement and any other documents pertaining to the lease to the Director of Finance. If the lease is for equipment, a document from the vendor showing the fair market value of the equipment must be included. Notify the Director of Finance of any changes in lease agreements as soon as possible.

Responsibilities of the Finance Office:

- Enter required fixed asset information into the Department of Accounts' (DOA's) Fixed Asset Accounting and Control System (FAACS) and attach an inventory tag to those VDOE assets over $5,000 with a useful life of more than one year

- Track and monitor equipment less than $5,000 to ensure inclusion in the Controllable Assets Tracking Spreadsheet.

- Record each fixed asset in FAACS and controllable asset in the Controllable Assets Tracking Spreadsheet with responsibility assigned to a specific person within a division, at a specific location. Coordinate physical inventories. Update FAACS and the Controllable Assets Tracking Spreadsheet with reported changes.

- Classify leases for assets having an estimated fair market value of $5,000 or more as either (1) operating or (2) capital and enter into LAS (the state's Lease Accounting System).

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SECTION 5.0 Human Capital

5.1 CONFLICT of INTERESTS and APPEARANCES of IMPROPRIETY

All employees must avoid the appearance of conflict of interests by not engaging in activities that may be inconsistent with the *State and Local Government Conflict of Interests Act* or the *Public Procurement Act*. The *State and Local Government Conflict of Interests Act* may be found in § 2.2-3100 et seq. of the *Code of Virginia*. The *Public Procurement Act* may be found in § 2.2-4300 et seq. of the *Code of Virginia.*

5.1.1 Conflict of Interests and Acceptance of Gifts

The *State and Local Government Conflict of Interests Act*, § 2.2-3100 et seq., of the *Code of Virginia* prohibits certain conduct by government employees. Such prohibited conduct includes soliciting or accepting money or other things of value for services performed within the scope of one's official duties, except the compensation, expenses or other remuneration paid by the agency of which one is an officer or employee.

Additionally, the *State and Local Government Conflict of Interests* Act generally prohibits an officer, employee, or member of their immediate family from soliciting, accepting, or receiving any single gift with a value in excess of $100 or combination of gifts with an aggregate value in excess of $100 within any calendar year from lobbyists or other individuals that may unduly influence the performance of their official state duties. Gifts with a value of less than $20 are not subject to aggregation for purposes of this prohibition.

5.1.2 Conflict of Interests and Acceptance of Sponsored Travel

VDOE employees are frequently asked to participate and/or present material at a variety of technical and professional organizations. Often times, the organizer of these conferences, events, or meetings will offer free travel-related expenses to the employee.

To reduce the appearance of conflict in accepting sponsored travel by an outside organization, the following guidelines are provided.

1. Sponsored travel should not be from a for-profit, commercial entity;
2. Travel should be for job-related, agency-related purposes where the staff person and agency will substantively benefit from the travel from the content learned at conferences, etc.;
3. There is no current, planned, or contemplated procurement relationship with the entity providing the travel support;
4. Travel support cannot be accepted from the entity's lobbyist or similar staff person, only from the general administrative staff;

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5. The travel event being funded is attended by multiple attendees for the same programmatic or professional purpose;
6. Travel costs supported by the external entity would not be considered excessive if higher than rates in the State Travel Regulations and pass the test of public scrutiny, and
7. The acceptance from a "public body" to support staff travel (i.e., state agencies, local governments, and federal agencies) is considered appropriate given alignment with the preceding factors.

Additionally, employees subject to Statement of Economic Interests disclosure reporting may seek prior approval from the Ethics Advisory Council for travel-related transportation, lodging, hospitality, food or beverage, and other items of value exceeding $100 provided by a lobbyist, lobbyist's principal, person, organization, or business, currently engaged in doing business, or seeking to become a party to a contract with state government where the officer or employee has authority to direct agency activities. Payment of membership dues by the department, such as to CCSSO, would qualify as a contract. The procurement office can provide specific information regarding an organization's status in conducting business with VDOE. More information may be found at §2.2-3103.1, Certain Gifts Prohibited. Note that this approval from the Council is in addition to the standard travel approval process adopted by VDOE.

Travel waiver requests must be submitted to the Ethics Advisory Council.

Travel Waiver Requests are *not* required for travel that is:

1. Disclosed pursuant to the Campaign Finance Disclosure Act;
2. Provided or paid by the government of the United States, any of its territories, or any state or any political subdivision of such state;
3. Provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; or
4. Related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501 (c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

Finally, the individual VDOE employee and supervisor bear the responsibility in accepting travel support from an external entity and conducting themselves in accordance with VDOE's Code of Ethics.

5.2 OUTSIDE EMPLOYMENT

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SECTION 5.0 Human Capital

5.2.1 Policy

Full-time employees of the Department of Education may not engage, without prior Department permission, in any other employment in the following: (1) other agencies, (2) outside state services, (3) any private businesses, (4) local school divisions, or (5) in the conduct of other professions. Note that this policy applies primarily to full-time employees. However, some provisions, stated below, apply to all employees.

For purposes of this policy, outside employment includes services for which compensation is received. This applies to:

- All employees during the hours for which they are employed; or
- Outside their work hours if such employment affects their work performance or is in violation of the Virginia Conflicts of Interests Act.
- In accordance with Department procedures, full-time employees are required to notify their supervisor of outside employment. The agency may deny full-time employee requests for outside employment based upon the above.
- For all employees, no property belonging to or under contract to the Commonwealth may be used for outside employment activities. This provision includes VITA-owned computer equipment.

This policy is particularly important because an employee may have the opportunity or need to work outside the agency in positions that appear to be related to his or her assigned duties or the general mission of the agency.

5.2.2 Procedure

A full-time employee must complete the Authorization for Outside Employment Form available in the "Human Resources" folder on the I:\Drive and forward it to his or her immediate supervisor for approval before engaging in any employment outside the agency.

The supervisor must submit the approved Authorization for Outside Employment Form to the Office of Human Capital for review and final approval. The Office of Human Capital will determine final approval and notify the employee.

Failure to follow this procedure may constitute a Group II Standards of Conduct Offense for failure to comply with established written policy.

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SECTION 5.0 Human Capital

5.3 EMPLOYMENT PROCEDURES

5.3.1 Purpose and General Information

The Department of Education provides equal employment opportunity to all employees, both classified and non-classified. The agency adheres to equal opportunity employment practices within all operational areas and programs including, but not limited to, recruitment, selection, promotion, compensation, benefits, transfer, layoff, return from layoff, demotion, termination, suspension, training programs, social and recreational programs, and use of departmental facilities. The agency does not require or permit the lowering of bona fide job requirements, performance standards, or qualifications to give preference to any employee or applicant for employment. Reasonable accommodations will be provided to employees and applicants with disabilities upon request.

The Virginia Department of Education (VDOE) is prohibited from assisting any local school board employee, contactor, or agent from obtaining a new job if VDOE is aware or has cause to believe that individual engaged in illegal sexual misconduct regarding a minor or student as required by federal statue 20 USC 7926.

The following statement of nondiscrimination applies to the Department of Education and is posted on the VDOE website:

Virginia Department of Education does not discriminate on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans. The following position has been designated to handle inquiries regarding the agency's non-discrimination policies:

Director of Human Capital
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120
(804) 225-2021

For information on Federal nondiscrimination regulations, contact the Office of Civil Rights at OCR.DC@ed.gov or call 1 (800) 421-3481.

Information on the Commonwealth of Virginia equal opportunity policy is available at the Commonwealth's official website.

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5.3.2 Procedure

The Department of Education establishes and ensures legal, efficient, uniform, and consistent procedures involving recruitment, interviewing, selection, and hiring practices within the agency. Applicants applying for positions with the agency will be subject to a Virginia State Police (VSP) criminal history name search and sex offender registry check. All job postings and newspaper advertisements must include a statement indicating that employment is contingent upon the selected candidate passing a criminal history background search. More information on VDOE's criminal history background search policy and procedures is available in the "Human Resources" folder on the I:\Drive.

The following informational table outlines the steps and responsibilities for hiring new employees.

ACTIVITY	RESPONSIBILITY
1. Identify Vacancy and Receive Approval to Recruit	Hiring Manager/Human Capital
a) Update Employee Work Profile (EWP)	Hiring Manager/Human Capital
b) Forward Recruitment & Hiring Request Form to Human Capital	Hiring Manager
c) Submit Agency Hiring Request form (AHR) to Superintendent of Public Instruction	Human Capital
d) After approval of Superintendent of Public Instruction, submit to the Secretary of Education for approval	Human Capital
2. Develop Recruitment Plan	Hiring Manager/Human Capital
a) Determine Knowledge, Skills and Abilities Criteria	Hiring Manager/Human Capital
b) Establish Posting Deadline Dates	Hiring Manager/Human Capital
c) Develop Job Posting	Human Capital
d) Determine Media Advertising	Hiring Manager/Human Capital
e) Extending Recruitment Deadline Dates	Hiring Manager/Human Capital
3. Receipt of Applications	Hiring Manager/Human Capital
a) Applicant Correspondence	Human Capital
b) Cursory Review of Applicant Pool	Hiring Manager
c) Applicant Statistical Data and Reporting	Human Capital
d) Applicant Screening and Referral	Human Capital
e) Further Screening of Referred Pool	Hiring Manager

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f) Contacting and Scheduling Interviews	Human Capital
g) Selection Progress Updates with Human Resources	Hiring Manager
h) Monitoring for EEO Compliance	Human Capital
ACTIVITY	**RESPONSIBILITY**
4. Interviews	Hiring Manager/Human Capital
a) Interview Questions Development	Hiring Manager/Human Capital
b) Interview Questions Review	Human Capital
c) Travel Expense Option	Deputy or Assistant Superintendent
d) Composition of Interview Panel	Hiring Manager/Human Capital
e) Interviewee Response Documentation	Hiring Manager
f) Additional Interviews	Hiring Manager
g) Training for Panel Members	Human Capital
5. Recommendation to Hire	Hiring Manager/Human Capital
a) Panel Presents Conclusions of Interviews	Panel Chairperson
b) Recommendation Documentation	Hiring Manager
c) Submit Recommendation to Human Resources	Hiring Manager
d) Selection Documentation Review	Human Capital
e) Submit Recommendation to Superintendent	Human Capital
f) Approval of Candidate (Pay Band 5 or above) Approval of Candidate (Pay Band 4 or below)	Superintendent Deputy or Assistant Superintendent
g. Relocation Expense Option	Deputy or Assistant Superintendent
6. Finalize Selection/Hiring Process	Human Capital
a) Conduct criminal history background check	Human Capital
b) Employment and Salary Negotiations	Human Capital
c) Responding to Interviewed Candidates	Human Capital
d) Coordinating Hiring With Division	Human Capital
e) Recruitment Records Maintenance	Human Capital

NOTE: All forms associated with the recruitment process may be obtained on the common directory at I:\Drive\Human Resources.

5.3.3 Hourly Employment General Information

Hourly employees provide coverage for short-term projects, temporary excessive workloads, or jobs that do not require full-time, classified employees. The extent of hourly

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employment within a division will depend on funding availability and justification for utilizing such a position.

Regardless of the funding source, hourly employees are limited to working no more than 1,500 hours during each twelve month period of May 1 to April 30. The annual work limits must be counted on the basis of the period beginning on May 1 each year.

Hourly employees will monitor their hours and will not exceed the 1,500-hour annual work limits maximum. Hourly employees are expected to work with their supervisors to avoid exceeding the maximum limit. Hourly employees who work on an ongoing basis should work no more than an average of 29 hours per week each month. The Time, Attendance & Leave (TAL) System managed by the Department of Human Resource Management is used to monitor this requirement.

Hourly employees should NOT work overtime.

State agencies are not authorized to grant exceptions to this limit, and no exceptions are permitted based on guidance from Department of Human Resources Management.

5.3.4 Procedures for Requesting Hourly Positions

Supervisors should complete an Hourly Position Request Form available in the Human Resources folder on the I:\Drive and include the project code to which the wage costs will be charged. The signature of the deputy or assistant superintendent should be obtained prior to submitting the request to the Office of Human Capital. Approval of the Superintendent of Public Instruction will be obtained by the Office of Human Capital.

5.4 COMPENSATORY LEAVE AND OVERTIME

5.4.1 General Information

The Fair Labor Standards Act (FLSA) of 1938 and subsequent amendments cover all classified employees of the Commonwealth. The Office of Human Capital, using FLSA exemption tests and exemption lists, determines the FLSA designation of each position. Employee Work Profiles are compared with the FLSA tests and exemption lists to determine EXEMPT or NON EXEMPT status from the provisions of the Act. When an employee is required by a supervisor to work in excess of normal working hours in a week, work on a holiday or on a day the agency is closed, the employee is eligible to receive either an adjusted work week, compensatory leave, overtime leave, or overtime pay depending on the FLSA EXEMPT or NON EXEMPT status.

Compensatory leave, overtime leave, and overtime pay must be approved by the

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immediate supervisor. A request for overtime pay, overtime leave, or compensatory time must be approved by the supervisor and Human Capital prior to performance of the work. If the approval is for overtime pay then it must also be approved by the Office of Budgeting.

"Extra Hours Compensation" must be approved via the Extra Work Hours Compensation Request found on the I:\Drive\Human Resources\General HR Forms & Information\Comp Time-Overtime Form.docx.

Overtime is to be used for emergencies only. Supervisors are responsible for long-term planning, review of work and finances, and the efficient management of resources.

Supervisors must consider adjusting the employee's workweek before approving either compensatory leave, overtime leave, or overtime pay. Supervisors are responsible for determining the need to work additional hours; this is not a decision to be made by the employee.

5.4.2 Definitions

WORKWEEK: The Department of Education's workweek begins on Monday at 12:01 a.m. and ends Sunday at 12 midnight.

ADJUSTED WORKWEEK: The workweek schedule is adjusted so that an employee does not work over 40 hours in the period Monday through Sunday. Example: A NON EXEMPT employee is required by their supervisor to work 36 hours during the period from Monday through Thursday. The supervisor schedules the employee to work four hours on Friday so that the workweek does not exceed 40 hours.)

EXEMPT EMPLOYEE: An EXEMPT employee is not subject to the provisions of the Fair Labor Standards Act (FLSA). All classified employees with EXEMPT status under FLSA are considered to be in positions that require them to complete their work regardless of schedule. However, compensatory time may be granted to EXEMPT employees when they are required by management to work on a scheduled holiday, rest day, or when offices are authorized to be closed.

NON EXEMPT EMPLOYEE: A NON EXEMPT employee is subject to the provisions of the Fair Labor Standards Act (FLSA) and, must be paid at the rate of one and one-half times the employee's regular hourly rate for all hours worked in excess of 40 in any one week. This overtime rate may either be in the form of overtime pay or overtime leave.

COMPENSATORY LEAVE: Hour-for- hour leave earned by an EXEMPT employee who works hours beyond the customary Monday through Friday workweek (i.e., required weekend work, state holiday, or official office closing). A NON EXEMPT employee is eligible to earn compensatory leave (hour-for-hour) only when the hours worked in a workweek is 40 or less. Compensatory leave lapses within 12 months from the date it is earned.

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OVERTIME LEAVE: The rate of overtime leave is one- and one-half hours of leave for every hour worked in excess of 40 in any workweek by a NON EXEMPT employee. A NON EXEMPT employee cannot have an overtime leave balance in excess of 240 hours. Overtime leave does not lapse.

OVERTIME PAY: The rate of overtime pay is one- and one-half times the employee's regular hourly rate. This rate is paid to a NON EXEMPT employee for actual hours worked over 40 in a workweek.

5.4.3 Compensation to Employees

5.4.3.1 Policy

Employees are notified of their FLSA status at the time of employment. If an employee is not sure of the FLSA status, he or she should contact the Office of Human Capital.

5.4.3.2 Procedure

In order to be compensated for extra hours required by a supervisor, the employee should submit the Extra Work Hours Compensation Request form prior to the date needed. The dates, times, and reason for working the extra hours must be clearly stated on the Extra Work Hours Compensation Request. Except in very unusual circumstances, this request must be approved in advance of the extra hours being worked.

After approval by both the supervisor and Human Capital (or, in the case of overtime pay, the Office of Budgeting) on the form, and, after all hours for that week have been worked, the employee completes the TAL time record and submits it to the supervisor for approval. Exempt employees must report both the extra hours worked and the compensatory time earned.

5.5 HOURS OF WORK

The Department of Education provides alternate work schedules to meet business needs while offering flexibility, where possible, in work hours to employees to reduce commuting costs.

- VDOE has weekly positive time reporting that includes both time worked and leave-based transactions.
- Non-Exempt employees are expected to work a scheduled consistent with their Hours

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of Work form. Limited exceptions should be in writing between the employee/supervisor.

- Exempt employee are expected to work a minimum of 40 hours workweeks that are consistent with their approved Hours of Work form. Any adjustment to the approved schedule should authorized in writing by the employees supervisor.

- A classified employee ~~should~~ is required to submit their weekly time and leave activity reporting record via TAL each Friday or on their next working day.

- A wage employee ~~should~~ is required to submit weekly time records the last working day of the week. If the wage employee does not work any hours in a given week, a "zero" hours time record should be submitted on their next working day. Timesheet are required to be submitted weekly in order for wage employee to be paid. Timesheet should be submitted and approved according to the yearly pay calendar provide by Human Capital for wage staff to be paid every other Friday.

Supervisor's Responsibilities:

- The supervisor should ensure the accurate and timely weekly reporting of hours worked and leave taken, for all direct reports, and certify TAL time reports by close of business each Tuesday.

- Supervisors of wage employees must delegate approval authority in TAL if they will not be able to approve time records by the wage certification deadlines.

5.5.1 Policy

The following are the Department of Education's guidelines for implementation of the alternate work schedules:

- Work units will be adequately staffed and supervised to ensure service delivery and prompt responsiveness to clients. Some units may be unable to participate in alternate work schedules due to the type of work performed and/or staffing limitations.

- The current standard workweek for all classified employees at VDOE is Monday – Friday, 40 hours worked per week with an allowance of 45 minutes each day for

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lunch (lunch period is not included in the count of hours worked). A 30-minute lunch period option has been added to the standard workweek schedule.

- An employee, who has been approved to work an alternate work schedule in an eligible position, may request either a 30- or 45-minute lunch period.

- The employee's immediate supervisor will approve alternate work schedules. Once a schedule is approved, employees should not request changes in days off or hours of work.

- Employees working alternate work schedules may be required by their supervisor to temporarily revert to the standard work week schedule during periods of training and/or other business reasons as determined by the supervisor.

- Alternate work schedules will not be worked during holiday weeks. Only the standard work week schedule (Monday-Friday, 8 work hours each day) will be worked during a holiday week.

A holiday that falls on a Saturday shall be observed on the preceding Friday. A holiday that falls on a Sunday shall be observed on the following Monday.

- Employees will not be compensated for emergency closings that may occur on their scheduled day off. Emergency closings are circumstances that require emergency closings of Department operations because of inclement weather, utility failure, fire or other forced evacuations from the agency's work site.

- All units must ensure the duties of employees on alternate schedules are fully covered when the employees are off. This may necessitate cross training of duties and/or at least knowledge of the absent employees duties and functions, to completely satisfy and service client needs.

- The Virginia Department of Education reserves the right to revise or eliminate The Alternate Work Schedule Policy at any time.

5.5.2 Procedure

Each full-time, classified employee must select one of the following work schedules and submit their hours of work form, available in the Human Resources folder on the I:\Drive, to their supervisor for approval.

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OPTION I – Standard Workweek

- 8 hour days, 5 days per week with a 30- or 45-minute lunch period – Option available to Non-exempt and Exempt employees (lunch period is not included in hours worked).

OPTION II – Compressed Workweek

- 10 hour days, 4 days per week with a 30- or 45-minute lunch period, 1 day off. This option is available to Non-exempt and Exempt employees (lunch period is not included in hours worked).

OPTION III – Works Option I week one and Option II week two (Option available to Exempt and Non-exempt employees.)

- Week 1, Standard Work Week (Monday – Friday, 8 work hours each day; 30- or 45-minute lunch period. Lunch selection applies to both weeks.
- Week 2, Compressed Work Week (Four days, 10 work hours each day; Supervisor must approve selected day off.

Week One Work Schedule		Week Two Work Schedule	
Monday	8 work hours	Monday	10 work hours
Tuesday	8 work hours	Tuesday	approved day off*
Wednesday	8 work hours	Wednesday	10 work hours
Thursday	8 work hours	Thursday	10 work hours
Friday	8 work hours	Friday	10 work hours
Total	40 work hours	Total	40 work hours

* Scheduled day off in week two will be selected by the employee and, depending on the needs of the work unit, approved at the discretion of employee's supervisor. Once the scheduled day off is approved it will not change unless the employee's supervisor approves the change.

OPTION IV – Alternate Workweek (Option available to Exempt Employees Only)

- 80 work hours in two weeks; 44 work hours first week, 36 work hours second week (9 hours, 8 days per two weeks; 1 8 hour day with a 30- or 45-minute lunch period) Supervisor must approve selected day off.

Week One Work Schedule		**Week Two Work Schedule**	
Monday	9 work hours	Monday	9 work hours
Tuesday	9 work hours	Tuesday	9 work hours

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Wednesday	9 work hours	Wednesday	approved day off*
Thursday	9 work hours	Thursday	9 work hours
Friday	8 work hours	Friday	9 work hours
Total	44 work hours	Total	36 work hours

* Scheduled day off in week two will be selected by the employee and, depending on the needs of the work unit, approved at the discretion of employee's supervisor. Once the scheduled day off is approved it will not change unless the employee's supervisor approves the change.

The Alternate Work Week schedule is not available to Non-exempt employees due to provisions of the Fair Labor Standards Act that require payment of overtime to Non-exempt employees for all worked hours over 40 during the regular Monday-Friday work week.

Following are the Department of Education's procedures to implement alternate work schedules:

1. Supervisors should review the job duties of all positions assigned to their work unit and complete Section I, Alternate Work Schedule Position Review on the Hours of Work Form for each position.
2. Supervisors may elect to survey/poll their employees to determine the level of interest in alternate work schedules among the staff and process those requests first.
3. If a filled position is designated as eligible for an alternate work schedule, the supervisor should meet with the employee and have the employee complete the Work Schedule Employee Selection section and sign the form. After the supervisor approves the selected schedule and signs the form, a copy should be given to the employee and one sent to the Office of Human Capital for processing. The supervisor should retain the original document.
4. If a filled position is designated as NOT eligible for an alternate work schedule, the supervisor should explain why the position is not eligible, meet with the employee and review this information with them. The only work schedule option available to the employee is Option I, Standard Work Week. The employee should select their preferred work times and lunch period and submit the form to their supervisor for approval.
5. After the supervisor approves the selected beginning and ending times and selected lunch period, they should sign the form and give a copy to the employee. A copy should also be sent to the Office of Human Capital for processing. The supervisor should retain the original document.
6. Once a work schedule has been approved for an employee, the employee must adhere to that schedule. If an employee needs to change their work schedule, a new form must be completed. The request is submitted to their supervisor for approval. If approved, a copy is given to the employee and one sent to the Office of Human Capital for processing.
7. The supervisor should retain the original document.

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Employee Responsibilities:

- An employee should adhere to their assigned work schedule by beginning work at the specified time, departing at the specified ending time, and taking the appropriate approved lunch period.
- An employee should notify their supervisor as soon as possible if they are unable to adhere to their approved work schedule.

Supervisor's Responsibilities:

- The supervisor should approve the employee's work schedule according to the Alternate Work Schedule Policy.
- The supervisor should give a copy of the approved Hours of Work form to the employee and send a copy to the Office of Human Capital.
- The supervisor should ensure the accurate and timely reporting of hours worked and leave taken and certify TAL time reports by close of business each Tuesday.
- Supervisors of wage employees must delegate approval authority in TAL if they will not be able to approve time records by the wage certificate deadlines provided.
- For efficiency in the work unit, supervisors should consider posting employee work schedules to ensure adequate coverage of business functions at all times.

5.6 LEAVE and TIME and ATTENDANCE REPORTING

5.6.1 Policy

All employees use the Department of Human Resource Management's TAL System online application to report leave activity and/or hours worked on a weekly basis. Federally funded employees must report hours work and federal category, leave hours do not require the federal category, state funded exempt employees report hours work and leave activity, wage employees only report hours worked, and other employees must report both.

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It is recommended that wage employees submit TAL entries on the last day they work each week.

Supervisors must certify TAL entries by close of business each Tuesday for the information to be submitted to the Department of Accounts that week.

If unexplained gaps are found in attendance records, these discrepancies will be discussed with the employee and reviewed by management. Management can resolve the discrepancy with leave restitution. This restitution could require the employee to use leave for the gaps or repay the state for the time used that they did not have leave to cover.

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5.6.2 Procedure

The Office of Human Capital will complete TAL entries for employees out on VSDP short-term disability leave in order to ensure proper reporting of disability leave.

5.7 PARKING

5.7.1 Policy

The Department of Education offers parking assignments in a Department of General Services operated parking facility to full-time employees upon employment. For purposes of this policy, a full-time employee is defined as a full-time classified employee who is assigned to work for the agency in the James Monroe Building.

Employees are not assigned a specific space, but are issued a parking permit. A monthly fee is charged for parking and is deducted from the employee's pay on a semi-monthly basis. A "Pre-Tax Parking Program" is available for employees.

To take advantage of this benefit, an Agreement for Pre-Tax Parking Fee Program Form (provided by the Office of Human Capital) must be completed and returned to the Office of Human Capital. If parking is available for wage employees, it will be offered to those employees.

5.7.2 Procedure

Employee Parking

When parking is assigned, each employee must:

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- Complete a Parking Request Form (furnished by the Office of Human Capital).
- Sign the acceptance of the Parking Permit Form (furnished by the Office of Human Capital) for the parking facility for which the permit is assigned.
- Complete an Agreement for Pre-Tax Parking Fee Program Form (furnished by the Office of Human Capital) to deduct the parking fee on a pre-tax basis (optional).
- Contact the Office of Human Capital to update the Parking Request Form if the license number changes or if the permit is, broken, lost or stolen.
- Return the parking permit upon separation of employment to the Office of Human Capital.

5.8 PAYROLL

5.8.1 Full-Time Payroll

5.8.1.1 Employee Elected Deductions

Employee-elected deductions that are available through the agency's payroll system are Health Insurance, Deferred Compensation, flexible-spending accounts for medical services and dependent care, Credit Union, charitable contributions, tax-sheltered annuities, supplemental insurances and parking.

5.8.1.2 Direct Deposit and Paperless Payroll

All employees must sign up for direct deposit of their paychecks. The Direct Deposit Authorization Form will be given to new employees by the Office of Human Capital. All employees are required to sign up for paperless payroll through the Department of Accounts web-based service, Payline. Payline provides the employee with the means to view and print personal earnings, benefits and leave information for each payday.

Information on Payline and paperless payroll will be given to new employees during employee orientation in the Office of Human Capital.

5.8.1.3 Employee Status Changes

Changes for names and addresses, direct deposit, Form W-4 (Federal Tax Form), Form VA-4 (State Tax Form), tax-sheltered annuities, deferred compensation, supplemental insurance, flexible spending accounts and health insurance must be made in the Office of Human Capital. These changes will be forwarded to the Payroll Services Bureau for processing.

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5.8.1.4 Credit Union Changes

Credit Union changes are submitted through the Virginia Credit Union and forwarded to the Payroll Services Bureau.

5.8.1.5 Deadline for Changes

Changes for any given pay period must be received in the Payroll Services Bureau 10 days prior to each payday. The Payroll Office must be given an effective date for all changes.

Questions relating to payroll processing should be addressed to the Director of Human Capital.

5.8.1.6 Pay Schedule

Full-time employees are paid twice a month, on the first and the sixteenth. The reporting periods are the 10th-24th (pay date 1st) of each month and the 25th-9th of each month (pay date 16th).

If a payday falls on a weekend, funds will be directly deposited on the preceding Friday. If a payday falls on a state holiday, funds will be directly deposited on the last workday immediately preceding the holiday.

5.8.2 Hourly Payroll

5.8.2.1 Direct Deposit and Payline

All hourly employees are required to enroll in the direct deposit program for their paychecks. The Direct Deposit Authorization Form will be given to new employees by the Office of Human Capital.

All hourly employees will be required to enroll in paperless payroll through the Department of Accounts web-based service Payline. Payline provides the employee with the means to view and print personal earnings, withholding amounts and other payroll information each pay period. Information on Payline and paperless payroll is available from the Office of Human Capital.

5.8.2.2 Pay Schedule

Hourly pay periods are for two work weeks (Monday – Sunday and Monday – Sunday). VDOE hourly employees are paid every other Friday (26 pay periods). If a payday falls on a bank holiday, funds will be directly deposited on the last workday immediately preceding the

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holiday.

Hourly employees receive pay only for hours actually worked. Hourly employees are classified as non-exempt under the Fair Labor Standards Act and are eligible for overtime pay for all hours worked over 40 during a workweek. Hourly employees must receive approval from their supervisor and the Budget Office prior to working overtime. Extra Work Hours Compensation Request should be completed and remain on file in the supervisor file and in the Office of Human Capital.

5.8.2.3 Hourly Limitations

Hourly employees may not work more than 1,500 hours during the twelve month period of May 1 to April 30. VDOE hourly employees are allowed to work an average of 29 hours per week each month.

5.9 DISABILITY

If an employee has a disability, either temporary or permanent, that may require special accommodations, he or she must contact the Office of Human Capital to discuss their needs.

In addition, employees are encouraged to return to work as soon as possible when out on Virginia Sick and Disability Benefits or Workers' Compensation Benefits.

The agency's Return-to-Work Coordinator will work with the appropriate third party program administrators for the Virginia Sickness and Disability Program or for Workers' Compensation Claims to coordinate a Return-to-Work Plan which may include a reduced work schedule until the employee is released to return to work on a full-time basis.

5.10 COMPENSATION MANAGEMENT

Compensation policies, practices, and guidelines help determine pay and career development opportunities for the staff that support the Department of Education. The agency operates current compensation and classification activities under state guidelines. Classification and compensation are guided by the Department of Education's Salary Administration Plan available in the Human Resources folder on the I:\Drive. The plan covers pay practices, performance management, and recognition and award processes.

5.11 TEMPORARY DEPARTMENT STAFFING

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The supervisor should submit a memorandum through his or her assistant superintendent to the Office of Human Resources requesting the temporary staffing as needed for short, temporary workloads. The memorandum should contain all pertinent job information, such as dates needed, work schedule, duties, and any special skills.

After the Office of Human Resources has obtained the appropriate internal approvals (Procurement, Finance & Operations, and Superintendent), an order will be placed with a temporary employment agency to determine availability of a qualified candidate. After the temporary employment agency confirms availability, the Office of Human Resources will provide the necessary information to the requesting unit which is then responsible for placing the order through eVA. The eVA order must be approved before he or she can report to work.

The temporary employee must obtain security clearance from the Capitol Police prior to reporting to work.

5.12 WORKERS' COMPENSATION

Employees, who are injured on the job, should follow the steps specified below to ensure quality medical care, reduced out-of-pocket expenses, and procedures that facilitate return to work as soon as medically possible.

1. In the event of a medical emergency, seek medical attention immediately.
2. Report the incident to the supervisor and provide all details of the incident to the Office of Human Capital as soon as possible.
3. The Office of Human Capital will assist with completing the necessary forms to file a claim under the Commonwealth of Virginia Workers' Compensation Program.
4. Medical care must be received from the panel of physicians offered by the Office of Human Capital.
5. If a panel physician is not used, the employee could be responsible for the full cost of the medical services.

5.13 EQUAL EMPLOYMENT OPPORTUNITY

The Department of Education provides equal opportunity to all programs for employees and applicants for employment on the basis of merit without regard to race, sex, color, national origin, religion, sexual orientation, age, political affiliation, veteran status, or against otherwise qualified persons with disabilities. This policy shall be followed in all areas, including, but not limited to, recruitment, selection, promotion, compensation, benefits, layoff, return from layoff, demotion, termination, suspension, training and educational programs, social and recreational programs, and use of departmental facilities. This policy does not permit or require the lowering of bona fide job requirements to give preference to any employee or applicant for employment.

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SECTION 5.0 Human Capital

The following position has been designated to handle all inquiries regarding employment non-discrimination policies:

Director, Human Capital
James Monroe Building
101 N. 14th Street, 24th Floor
Richmond, VA 23219
Telephone: (804) 225-2021
FAX: (804) 786-8518
TTY: (804) 786-8389

It shall be the policy of the Department of Education to comply with the provisions of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 to the extent that no qualified person shall, solely by the reason of disability, be denied access to, participation in, or the benefits of any program or activity operation by the agency. Any person employed by the agency who fails to comply with this policy is subject to appropriate disciplinary action.

5.14 TRAINING AND DEVELOPMENT

The Department of Education's Training and Development Policy is intended to apply to "productivity training" or agency-initiated training and development courses that are directed solely at furnishing knowledge or skills that employees need to carry out their present work duties efficiently and effectively.

The policy covers training such as seminars, programs, and educational courses directed at furnishing knowledge or skills that employees need to carry out their present and future work duties efficiently and effectively.

Training is initiated and required by the supervisor, Department, or employees in order to provide employees with the essential skills and knowledge necessary to the performance of their jobs, to implement Department initiatives, or to meet Department required standards.

Courses will be paid from the Training and Educational Assistance fund for all or a portion of course costs, subject to availability of funds and limits per employee. In addition, employees may request to modify work schedules to attend eligible educational programs.

5.15 EDUCATIONAL ASSISTANCE AND EDUCATIONAL LEAVE

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SECTION 5.0 Human Capital

The Department of Education is committed to supporting employees' pursuit of educational opportunities that will benefit the agency, enhance the employees' current job performance, and improve their opportunities for advancement within the agency.

Non-probationary employees may request approval for reimbursement of certain credit or non-credit courses from the Training and Educational Assistance Fund for all or a portion of tuition costs, subject to availability of funds and limits per employee.

These courses may be part of a degree program or taken outside a formal program. The Training and Educational Assistance Fund may also be used to reimburse employees for the successful attainment of professional certifications or licensure, including preparation courses, subject to the availability of funding and limits per employee.

The Educational Assistance and Educational Leave Policy is not intended to apply to Department-initiated training and development courses that are directed solely at furnishing knowledge or skills that employees need to carry out their present work duties efficiently and effectively.

5.16 VERIFICATION OF EMPLOYMENT

Verifications of employment will only be released by the Office of Human Capital. The Office of Human Capital will follow the policy concerning verification of employment in accordance with Department of Human Resource Management Policy Number 6.05 – Personnel Records Disclosure.

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2. 201 General Fund Budget, Actual, Balance Report by State

Period: NOV21-22

Project / Description	Personal Budget	Personal Expended	Personal Balance	Personal %	Non Personal Budget	Non Personal Expended	Non Personal Balance	Non Personal %	Avail. Balance
DOE80004 - Asst.Supt. of Budget and Finance	228,543.00	59,304.25	169,238.75	74.1%	5,000.00	15.00	4,985.00	99.7%	174,223.75
DOE80006 - MULTISENSORY STRUCTURES LITERACY	0.00	0.00	0.00	0.0%	290,000.00	0.00	290,000.00	100.0%	290,000.00
DOE80007 - VPI Site Reviews	0.00	0.00	0.00	0.0%	50,000.00	147.63	49,852.37	99.7%	49,852.37
DOE80009 - eVA Charges	0.00	0.00	0.00	0.0%	0.00	7,934.14	-7,934.14	0.0%	-7,934.14
DOE80011 - Superintendent Payroll Position 11	171,314.00	67,201.79	104,112.21	60.8%	5,000.00	0.00	5,000.00	100.0%	109,112.21
DOE80013 - Superintendent Payroll Position 853	259,863.00	47,763.75	212,099.25	81.6%	5,000.00	20.00	4,980.00	99.6%	217,079.25
DOE80090 - Redesign Report Cards	0.00	0.00	0.00	0.0%	100,000.00	2,070.00	97,930.00	97.9%	97,930.00
DOE80092 - SOL Test Transition	0.00	0.00	0.00	0.0%	1,551,416.00	318,951.00	1,232,465.00	79.4%	1,232,465.00
DOE80097 - Executive Support	312,073.00	100,107.51	211,965.49	67.9%	0.00	0.00	0.00	0.0%	211,965.49
DOE80098 - School Improvement Office	307,911.00	131,064.43	176,846.57	57.4%	0.00	0.00	0.00	0.0%	176,846.57
DOE80100 - Superintendent's Office	532,084.00	198,194.45	333,889.55	62.8%	100,000.00	2,749.21	97,250.79	97.3%	431,140.34
DOE80103 - Board of Education Expenses	301,647.00	100,602.93	201,044.07	66.6%	75,000.00	6,201.44	68,798.56	91.7%	269,842.63
DOE80105 - Business and Risk Management	159,404.00	64,752.82	94,651.18	59.4%	1,000.00	0.00	1,000.00	100.0%	95,651.18
DOE80107 - Rent	0.00	0.00	0.00	0.0%	1,250,000.00	0.00	1,250,000.00	100.0%	1,250,000.00
DOE80108 - Postage	0.00	0.00	0.00	0.0%	10,000.00	1,497.53	8,502.47	85.0%	8,502.47
DOE80109 - Printing and Copiers	0.00	0.00	0.00	0.0%	75,000.00	7,170.72	67,829.28	90.4%	67,829.28
DOE80111 - Insurance	0.00	0.00	0.00	0.0%	75,000.00	0.00	75,000.00	100.0%	75,000.00
DOE80112 - Supplies	0.00	0.00	0.00	0.0%	15,000.00	1,299.12	13,700.88	91.3%	13,700.88
DOE80113 - SPCC - Clearing Account	0.00	0.00	0.00	0.0%	0.00	285,291.08	-285,291.08	0.0%	-285,291.08
DOE80114 - Agency Renovations	0.00	0.00	0.00	0.0%	75,000.00	30,788.18	44,211.82	58.9%	44,211.82
DOE80120 - Finance Division Administration	334,090.00	123,230.45	210,859.55	63.1%	1,500.00	202.50	1,297.50	86.5%	212,157.05
DOE80122 - Fiscal Services	528,248.00	183,638.84	344,609.16	65.2%	15,000.00	1,259.15	13,740.85	91.6%	358,350.01
DOE80124 - Budget Office	808,713.00	305,494.41	503,218.59	62.2%	10,000.00	105.00	9,895.00	99.0%	513,113.59
DOE80126 - Procurement Office	323,040.00	104,275.11	218,764.89	67.7%	5,000.00	219.00	4,781.00	95.6%	223,545.89
DOE80130 - Human Resources Administration	559,741.00	181,897.43	377,843.57	67.5%	10,000.00	40.00	9,960.00	99.6%	387,803.57
DOE80132 - Mail Copy Room Operations	154,573.00	49,616.79	104,956.21	67.9%	0.00	0.00	0.00	0.0%	104,956.21
DOE80134 - Tax Credit Program Admin	241,705.00	93,823.70	147,881.30	61.2%	7,500.00	4,512.70	2,987.30	39.8%	150,868.60
DOE80140 - DRTS Management Operations	2,445,308.00	897,766.35	1,547,541.65	63.3%	200,000.00	59,142.16	140,857.84	70.4%	1,688,399.49
DOE80142 - VLDS	138,784.00	49,006.33	89,777.67	64.7%	0.00	0.00	0.00	0.0%	89,777.67
DOE80145 - Technology Services and Contracts	478,967.00	161,423.01	317,543.99	66.3%	4,021,247.00	326,100.35	3,695,146.65	91.9%	4,012,690.64
DOE80147 - DOE Database	0.00	0.00	0.00	0.0%	600,000.00	0.00	600,000.00	100.0%	600,000.00
DOE80150 - Policy and Communications Admin	290,679.00	111,344.41	179,334.59	61.7%	5,000.00	313.40	4,686.60	93.7%	184,021.19
DOE80152 - Policy Office	514,837.00	198,157.24	316,679.76	61.5%	10,000.00	176.40	9,823.60	98.2%	326,503.36

AMERICAN OVERSIGHT

Project / Description		Personal				Non Personal				
		Budget	Expended	Balance	%	Budget	Expended	Balance	%	Avail. Balance
DOE80155 -	Communications	602,280.00	190,505.96	411,774.04	68.4%	40,000.00	9,054.99	30,945.01	77.4%	442,719.05
DOE80158 -	Military Children Interstate Compact	0.00	0.00	0.00	0.0%	79,000.00	0.00	79,000.00	100.0%	79,000.00
DOE80159 -	DOE Web Hosting Vendor	0.00	0.00	0.00	0.0%	30,000.00	5,757.03	24,242.97	80.8%	24,242.97
DOE80160 -	Office of Humanities and Early Childhoo	1,152,590.00	436,659.22	715,930.78	62.1%	15,000.00	0.00	15,000.00	100.0%	730,930.78
DOE80165 -	CTE Information Technology Industry Ce	0.00	0.00	0.00	0.0%	1,301,000.00	0.00	1,301,000.00	100.0%	1,301,000.00
DOE80170 -	Career and Technical Ed Admin	677,592.00	233,546.92	444,045.08	65.5%	40,000.00	20.00	39,980.00	100.0%	484,025.08
DOE80180 -	Instructional Support Tech Asst	288,866.00	100,126.13	188,739.87	65.3%	5,000.00	0.00	5,000.00	100.0%	193,739.87
DOE80181 -	GED Development	0.00	0.00	0.00	0.0%	25,000.00	0.00	25,000.00	100.0%	25,000.00
DOE80182 -	GED Waiting List	0.00	0.00	0.00	0.0%	100,000.00	100,000.00	0.00	0.0%	0.00
DOE80184 -	Governor School Programs	0.00	0.00	0.00	0.0%	45,000.00	1,098.89	43,901.11	97.6%	43,901.11
DOE80186 -	ARDT Contract	0.00	0.00	0.00	0.0%	421,779.00	0.00	421,779.00	100.0%	421,779.00
DOE80187 -	Foreign Language Academics	0.00	0.00	0.00	0.0%	18,387.00	0.00	18,387.00	100.0%	18,387.00
DOE80190 -	Instruction Division Admin	274,955.00	100,006.83	174,948.17	63.6%	15,000.00	1,762.78	13,237.22	88.2%	188,185.39
DOE80192 -	Office of Science and Health Education	328,256.00	120,000.71	208,255.29	63.4%	15,000.00	209.24	14,790.76	98.6%	223,046.05
DOE80193 -	PALS Contract	0.00	0.00	0.00	0.0%	1,178,282.00	585,446.00	592,836.00	50.3%	592,836.00
DOE80199 -	Office of Mathematics and Governors Sc	652,040.00	234,899.27	417,140.73	64.0%	5,000.00	813.86	4,186.14	83.7%	421,326.87
DOE80203 -	SOL Revisions	50,000.00	19,274.73	30,725.27	61.5%	0.00	0.00	0.00	0.0%	30,725.27
DOE80205 -	Gifted Advisory Committee	0.00	0.00	0.00	0.0%	5,000.00	0.00	5,000.00	100.0%	5,000.00
DOE80211 -	Student Testing/Accountability	1,166,249.00	374,226.06	792,022.94	67.9%	43,151.00	8.00	43,143.00	100.0%	835,165.94
DOE80219 -	SOL Testing Contract	0.00	0.00	0.00	0.0%	25,680,678.00	2,365,839.53	23,314,838.47	90.8%	23,314,838.47
DOE80220 -	Pupil Transportation Admin	589,261.00	196,764.45	392,496.55	66.6%	15,000.00	3,447.97	11,552.03	77.0%	404,048.58
DOE80226 -	PB & Cardinal System Charges	0.00	0.00	0.00	0.0%	1,008,048.00	520,401.00	487,647.00	48.4%	487,647.00
DOE80227 -	Virginia Kindergarten Readiness Progra	0.00	0.00	0.00	0.0%	1,312,500.00	0.00	1,312,500.00	100.0%	1,312,500.00
DOE80230 -	Facilities Services	237,300.00	86,239.91	151,060.09	63.7%	2,500.00	384.50	2,115.50	84.6%	153,175.59
DOE80243 -	Effective Schoolwide Discipline	0.00	0.00	0.00	0.0%	447,416.00	0.00	447,416.00	100.0%	447,416.00
DOE80245 -	Professional Development for Principals	0.00	0.00	0.00	0.0%	413,000.00	2,790.71	410,209.29	99.3%	410,209.29
DOE80246 -	Professional Development for Teachers	0.00	0.00	0.00	0.0%	366,000.00	0.00	366,000.00	100.0%	366,000.00
DOE80250 -	Assistant Superintendent for Data	198,672.00	79,790.58	118,881.42	59.8%	5,000.00	202.50	4,797.50	96.0%	123,678.92
DOE80252 -	Educational Technology	501,274.00	197,407.19	303,866.81	60.6%	15,000.00	449.24	14,550.76	97.0%	318,417.57
DOE80254 -	Web-Based Conferencing and Online Ser	0.00	0.00	0.00	0.0%	7,500.00	0.00	7,500.00	100.0%	7,500.00
DOE80258 -	Virtual Virginia Admin	125,259.00	46,340.63	78,918.37	63.0%	210,740.00	0.00	210,740.00	100.0%	289,658.37
DOE80260 -	Digital Content Online Learning and Sup	0.00	0.00	0.00	0.0%	75,000.00	75,000.00	0.00	0.0%	0.00
DOE80267 -	State Operated Programs	97,564.00	39,969.52	57,594.48	59.0%	0.00	0.00	0.00	0.0%	57,594.48
DOE80279 -	Chief Data Security Officer	405,381.00	121,539.11	283,841.89	70.0%	5,000.00	205.00	4,795.00	95.9%	288,636.89
DOE80282 -	Data-Driven School Improvement Effort	0.00	0.00	0.00	0.0%	300,000.00	0.00	300,000.00	100.0%	300,000.00

AMERICAN OVERSIGHT

		Personal				Non Personal				
Project / Description		Budget	Expended	Balance	%	Budget	Expended	Balance	%	Avail. Balance
DOE80283 -	Dyslexia Training	63,086.00	26,129.68	36,956.32	58.6%	93,914.00	0.00	93,914.00	100.0%	130,870.32
DOE80285 -	E-Rate Coordinator	139,934.00	47,224.31	92,709.69	66.3%	0.00	0.00	0.00	0.0%	92,709.69
DOE80295 -	NASDTEC Clearninghouse Subscription	0.00	0.00	0.00	0.0%	93,084.00	0.00	93,084.00	100.0%	93,084.00
DOE80296 -	Student Services Adminstration	925,730.00	333,812.11	591,917.89	63.9%	78,605.00	0.00	78,605.00	100.0%	670,522.89
DOE80297 -	IT Security Audits	0.00	0.00	0.00	0.0%	50,000.00	35,457.05	14,542.95	29.1%	14,542.95
DOE80300 -	School Nutrition Programs - State Match	173,492.00	65,480.74	108,011.26	62.3%	0.00	17,691.08	-17,691.08	0.0%	90,320.18
DOE80307 -	DEPUTY SUPT - CHIEF OF STAFF	239,918.00	90,500.85	149,417.15	62.3%	5,000.00	435.12	4,564.88	91.3%	153,982.03
DOE80309 -	Seclusion and Restraint Regulations Trai	0.00	0.00	0.00	0.0%	492,755.00	0.00	492,755.00	100.0%	492,755.00
DOE80312 -	Accreditation	142,945.00	46,342.70	96,602.30	67.6%	0.00	4.00	-4.00	0.0%	96,598.30
DOE80316 -	Teacher Ed and Licensure Admin	271,189.00	99,794.66	171,394.34	63.2%	20.00	20.00	0.00	0.0%	171,394.34
DOE80319 -	Academic Reviews	292,268.00	122,982.75	169,285.25	57.9%	807,915.00	130,777.20	677,137.80	83.8%	846,423.05
DOE80323 -	WiFi Monthly Charges	0.00	0.00	0.00	0.0%	22,500.00	0.00	22,500.00	100.0%	22,500.00
DOE80324 -	Head Start State Collaboration Grant Sta	0.00	0.00	0.00	0.0%	43,750.00	0.00	43,750.00	100.0%	43,750.00
DOE80326 -	VDSS/Early Childhood Consolidation	0.00	0.00	0.00	0.0%	22,742.00	22,741.67	0.33	0.0%	0.33
DOE80327 -	Virtual Virginia	0.00	0.00	0.00	0.0%	5,175,808.00	4,905,808.00	270,000.00	5.2%	270,000.00
DOE80328 -	Agency Cloud Migration EO19	0.00	0.00	0.00	0.0%	0.00	2,970.75	-2,970.75	0.0%	-2,970.75
DOE80329 -	New Grants Management System	0.00	0.00	0.00	0.0%	200,000.00	0.00	200,000.00	100.0%	200,000.00
DOE80330 -	Community Schools	0.00	0.00	0.00	0.0%	5,000.00	0.00	5,000.00	100.0%	5,000.00
DOE80331 -	Teacher Vacancy/Prep. Program Data C	0.00	0.00	0.00	0.0%	18,000.00	0.00	18,000.00	100.0%	18,000.00
DOE80333 -	SRO Incidents Data Collection	123,300.00	0.00	123,300.00	100.0%	0.00	0.00	0.00	0.0%	123,300.00
DOE80334 -	Chief Diversity, Equity & Inclusion Office	111,510.00	40,691.70	70,818.30	63.5%	5,000.00	155.00	4,845.00	96.9%	75,663.30
DOE80335 -	Diploma Seals	0.00	0.00	0.00	0.0%	6,500.00	337.50	6,162.50	94.8%	6,162.50
DOE80336 -	Spec. Ed. Teacher Recruitment-Retentio	393,675.00	0.00	393,675.00	100.0%	2,316.00	0.00	2,316.00	100.0%	395,991.00
DOE80337 -	Deputy Supt.- Early Childhood Ed	160,364.00	0.00	160,364.00	100.0%	5,000.00	0.00	5,000.00	100.0%	165,364.00
DOE80645 -	HB2299 Training Modules-IEP Team	0.00	0.00	0.00	0.0%	75,000.00	7,000.00	68,000.00	90.7%	68,000.00
DOE80646 -	Monitor Compliance w/ State Standards	93,987.00	2,095.94	91,891.06	97.8%	27,013.00	0.00	27,013.00	100.0%	118,904.06
DOE80647 -	HB2299 Training Module-Teachers	0.00	0.00	0.00	0.0%	150,000.00	0.00	150,000.00	100.0%	150,000.00
DOE80648 -	Cultural Proficiency Coordinator	131,225.00	0.00	131,225.00	100.0%	234,075.00	0.00	234,075.00	100.0%	365,300.00
DOE80649 -	CTE Resource Center DB Replacement	0.00	0.00	0.00	0.0%	208,000.00	0.00	208,000.00	100.0%	208,000.00
DOE80651 -	Outside Legal Services	0.00	0.00	0.00	0.0%	25,000.00	11,975.50	13,024.50	52.1%	13,024.50
DOE80654 -	Equity Office	357,913.00	85,792.99	272,120.01	76.0%	15,000.00	1,845.00	13,155.00	87.7%	285,275.01
DOE80657 -	Virginia Preschool Initiative CLASS Obser	0.00	0.00	0.00	0.0%	262,500.00	0.00	262,500.00	100.0%	262,500.00
DOE80658 -	Virginia Preschool Professional Develop	0.00	0.00	0.00	0.0%	525,000.00	0.00	525,000.00	100.0%	525,000.00
DOE80659 -	Licensure Automation Project	0.00	0.00	0.00	0.0%	269,000.00	84,290.00	184,710.00	68.7%	184,710.00
DOE80660 -	Office of Early Childhood	158,191.00	13,496.83	144,694.17	91.5%	5,000.00	22.32	4,977.68	99.6%	149,671.85

AMERICAN OVERSIGHT

	Personal				Non Personal				
Project / Description	Budget	Expended	Balance	%	Budget	Expended	Balance	%	Avail. Balance
DOE80661 - Communications - VA IS FOR LEARNERS	0.00	0.00	0.00	0.0%	40,000.00	2,426.79	37,573.21	93.9%	37,573.21
Total:	20,217,790.00	6,780,308.48	13,437,481.52	66.5%	50,776,141.00	9,953,053.93	40,823,087.07	0.1%	54,260,568.59

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/27/2022 11:08:02 AM
To: "Richard Connor" <dicky.connor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: CERN Monthly Update: January 2022

Such a good read each month.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **AEI's Conservative Education Reform Network** <Hayley.Sanon@aei.org>
Date: Thu, Jan 27, 2022 at 10:33 AM
Subject: CERN Monthly Update: January 2022
To: <jillian.balow@doe.virginia.gov>

Dear CERN members and friends,

CERN is officially one year old! We launched in January 2021 with 75 initial members and are now proud to boast over 500 members in all 50 states, plus a few friends living internationally. We continue to enjoy watching the network grow and seeing the excellent work our members are doing in the field.

To kick off this update, we're thrilled to congratulate **Aimee Guidera** and **Jillian Balow**, who were appointed Secretary of Education and Superintendent of Public Instruction, respectively, by Governor Youngkin in Virginia! Scroll down to learn more about Jillian in this month's member spotlight.

Earlier this month, Rick Hess released the **2022 RHSU Edu-Scholar Public Influence Rankings**. Congratulations to the CERN members who placed in the Top 200! **Eric A. Hanushek** (Stanford) ranked 18th; **Martin R. West** (Harvard) ranked 60th; **Diane Whitmore Schanzenbach** (Northwestern) ranked 66th; **Patrick Wolf** (Arkansas) ranked 103rd; and **Marcus A. Winters** (Boston University) ranked 170th.

Something to check out: The **Center for Education Reform** is wrapping up some great work with their **STOP Award** - **Chicago Rescue Grants**, which were launched within days of the January 2022 Chicago schools crisis to quickly grant funds to schools and educators ready to serve.

Also, happy **National School Choice Week**! Be sure you study up on the official 2022 dance.

Reminder: Now that CERN has hit its first birthday, **we want your feedback**! We'd love to know what you've found particularly helpful so far and what you'd like to see more of going forward. You can complete the survey here.

On a sorrowful note, the CERN team mourns the loss of Zach Eckert, ExcelinEd's Midwest Regional Advocacy Director, who passed in December. Our thoughts and prayers are with his family during this difficult time.

As always, if you have a publication, resource, or event you would like shared in the newsletter, please send me note at Hayley.Sanon@aei.org.

Cheers,
Hayley

CHECK OUT THE CERN DIRECTORY

The directory is searchable by name, state, sector, and specialty and is a good resource for connecting with other members, identifying experts for hearings, and finding leaders to weigh in on policy challenges. Please continue to let us know if you have recommendations for people who would be valuable additions to the network.

NEW FROM CERN

From dependence to resilience:

AMERICAN OVERSIGHT

How philanthropies can better support private schools

Todd Graves and Darrell Jones | American Enterprise Institute

Providing donor-development boot camps and school-building tool kits are two ways that philanthropies can more effectively support private schools for long-term success.

READ MORE

How to rein in the teachers' unions

Howard Husock | City Journal

Break up big-city school districts. Would Mike Mulgrew, president of New York City's teachers' union, be so glib about threatening to shut down Manhattan schools if he knew that Queens or Brooklyn teachers might not go along? Read more.

Upcoming CERN Briefing

How to plan a winning education issue campaign

Thursday, February 3 | 03:00 p.m.– 03:45 p.m.

Please join us for a CERN briefing on how to plan a winning education issue campaign with Katherine Bathgate, CEO and Co-Founder of SchoolForward.

REGISTER

NEW FROM AEI

Education after the pandemic

Frederick M. Hess | National Affairs

Could the disruption born of this once-in-a-century pandemic yield a once-in-a-century opportunity to reset K-12 schooling? Read more.

Diving into education policy expert John Bailey's insights about COVID-19, Omicron and schools

John P. Bailey and Michael B. Horn | The Future of Education

John Bailey, education policy expert and writer of the nightly COVID-19 Policy Update, joined Michael Horn and Diane Tavenner on their latest episode of Class Disrupted to talk about the current state of COVID and schools, Omicron, vaccinations, testing, and more. Read more.

Discussing Critical Race Theory and the Oxford school shooting: Max Eden on the Ben Shapiro Show

Max Eden | Ben Shapiro Show

Max discusses Critical Race Theory and the institutional failures that led to the Oxford school shooting. Read more.

Schools are open despite the omicron surge. They should stay that way.

Nat Malkus | USA Today

The leaders, teachers and families who are reopening schools during a surging pandemic should be celebrated. Read more.

NEW FROM CERN MEMBERS

Still Rising: Charter School Enrollment and Student Achievement at the Metropolitan Level

David Griffith | Thomas B. Fordham Institute

After analyzing charter school enrollment and student outcome data for both charter students and those attending traditional public schools in over 900 metro areas, researchers at the Thomas B. Fordham Institute found that an increase in total charter school enrollment share is associated with a significant increase in the average math achievement of low-income, Black, and Hispanic students – including those in traditional public schools. Read more.

National Symposium for Classical Education

Institute for Classical Education and Great Hearts Foundation

The National Symposium for Classical Education will be held at the Phoenix Convention Center on March 23-25, 2022. Enrich your understanding of the classical liberal arts in both the theoretical and practical dimensions of curriculum and pedagogy. Learn more or register here.

HxA Conference 2022

Heterodox Academy

Heterodox Academy is thrilled to announce their HxA Conference 2022 in Denver, CO on June 12-14. Informed by their theme *Renewing Spaces of Knowledge and Trust*, Heterodox invites higher-education and K-12 professionals, thought leaders, and all who care about the health of education to discuss the crisis of trust facing our public institutions and deepen our shared pursuit of knowledge. Learn more and register here.

The ABC's of School Choice - 2022 Edition

EdChoice

The ABC's of School Choice is a comprehensive, data-rich guide to every private school choice program in America. Get your copy of the 2022 ABC's of School choice here.

AMERICAN OVERSIGHT

Tennessee's pioneering teacher apprenticeship program

Frederick M. Hess | Forbes

Our chronic teacher shortage calls for some creative problem-solving; Tennessee's new "Grow Your Own" model provides a sorely needed alternative to existing K-12 licensure systems. Read more.

The civic education we need

Albert Cheng and Jay P. Greene | National Affairs

If policymakers seek to craft a civic education that improves society, they will have to move beyond the categories of knowledge and ignorance to articulate a vision that confronts deeper complexities of human behavior. Instead of civic education understood as the provision of information, what we need is civic education understood as virtue formation. Read more.

Missouri School Rankings

Show-Me Institute

Since Missouri's SEA does not assign letter grades, rankings, or any other type of meaningful differentiation to district or school performance, the Show-Me Institute decided to do it themselves. Learn more.

We can keep radical politics out of the classroom with the Sunlight in Learning Act

Goldwater Institute

How can we make schools accountable for what they teach and get politics out of the classroom for good? There's a simple solution: sunlight. Goldwater's Sunlight in Learning Act would require public schools to clearly post on their website the learning materials and activities taught to students. That way, parents could easily see which schools are pushing politics in the classroom before they have to make an enrollment decision. Watch the video here.

What will it take to put U.S. K-12 education on a better path?

Keri D. Ingraham | Real Clear Education

The U.S. K-12 education system must change from adult-focused to student-focused, input-focused to output-focused, teaching-focused to learning-focused, group-focused to individual-focused, and time-focused to competency-focused. Read more.

Closures and consequences

Michael Hartney and Renu Mukherjee | City Journal

Politicians in both parties, but especially Democrats, need to understand just how unpopular school shutdowns are with parents. Read more.

Education choice for all students: A moral & national imperative

Star Parker and Marty Dannenfelser | Center for Urban Renewal and Education

This report finds that K-12 education in the United States is far from what it should or could be and offers recommendations for parents, community leaders, policymakers, and advocates on how to advance education choice. Read more.

Here's why Colorado is becoming 'One Dupont (West)'

Alison Griffin | Forbes

Best known for the stunning Front Range mountain landscape, John Denver's "Rocky Mountain High" and a political spectrum that spans the "People's Republic of Boulder" and its conservative counterpart "The Springs," Colorado is quickly becoming a hub of higher education policy, innovation and collaboration. Read more.

Wokeism ended his father's teaching career. Now, this teacher has a warning for other educators.

Virginia Allen | The Daily Signal

To prevent other teachers from suffering the same fate as Martin Paulsson, there must be a shift in the education system. The focus of education, Albert Paulsson says, should be ensuring that "each and every student has access and opportunity to fully develop their potential." Read more.

MEMBER SPOTLIGHT

Jillian Balow

Virginia State Superintendent of Public Instruction

What drew you to the education space?
Literacy. Within one week of starting my first teaching job, I knew I needed to know more about reading. My curiosity opened the doors to learning about data, assessment, and education research - before these topics were standard considerations for educators. I have always been interested in policy and politics and folding these into my career has kept me engaged in the education space for 28 years.

If you could make any one change (policy or otherwise) in education, what would it be and

AMERICAN OVERSIGHT

why?
So often the conversations between parents and teachers, constituents and education leaders, and policymakers and stakeholders are transactional, rather than personal and meaningful. We all agree that student success is at the core of our education system - I am discouraged by the lack of dialogue about our shared goals for students.

What's the best piece of advice you've ever received?
My mom was the sweetest person I have ever known. She taught me (and modeled 100% of the time) the importance of being nice to everyone, and of smiling. It is how people remember my mom still today - I hope it is how I am remembered.

What's the most unexpected thing about you?
I am a hunter - big game, birds - wild game meat is healthy and natural. There is no better day than a day in the hunting field. I am the chairwoman of the Wyoming Women's Antelope Hunt.

What's your favorite:

- **Book:** *Where the Wild Things Are* by Maurice Sendak
- **TV Show:** *Survivor* fan since season one
- **Movie:** *Pretty Woman*
- **Podcast:** So many great ones but I especially love *Honestly* with Bari Weiss
- **Word:** "Rickety" because my daughter learned the meaning of this word when she was five. **EVERYTHING** was "rickety" for months including Grandpa, food that stayed in the refrigerator too long, and our worn out carpet. We still intentionally stretch our use of the word "rickety," just for fun.

BROWSE THE NETWORK

JOB OPENINGS

- Excel in Ed is looking for a Vice President of Development.
- The Daniels Fund is looking for a Grants Impact Manager and an Executive Assistant to the President & CEO.
- The Wisconsin Institute for Law and Liberty is looking for an Administrative Assistant for their Development team.
- The Charter School Growth Fund is looking for a Director of Advocacy.
- The Urban Institute's Center on Education Data and Policy is looking for a Research Assistant and a Research Analyst.
- Pinkston is looking for a Research Manager and a Research Associate, among other openings.
- Chalkboard Review is looking for someone to manage professional communications. If you're interested or have someone to recommend, contact Tony Kinnett.
- The National Constitution Center is looking for a Director of Outreach Education, Director of Museum Education, Social Studies Curriculum and Assessment Writer, and a Junior IT Systems Administrator.
- The ASSISTments Foundation is looking for a Director of Growth and Impact and a Partnership Development Manager, Schools and Districts.
- The Show-Me Institute is hiring an Education Policy Research Assistant. Feel free to send recommendations for the role to hayley.sanon@aei.org.

AEI Meet The CERN Team

Frederick M. Hess
Director of Education Policy Studies & Chairman of CERN

Rick began his career as a social studies teacher before getting his PhD in government at Harvard. Before he was tapped to launch the AEI education program nearly two decades ago, Rick was a professor at the University of Virginia.

Max Eden
Research Fellow & CERN Director

Max began his career right here at AEI as a research assistant and later program manager of the education team. He went on to spend several years as a senior fellow at the Manhattan Institute before coming back to AEI to lead the network.

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Hannah Warren
CERN Program Manager

Prior to joining AEI as a research assistant in 2019, Hannah received a BA from Furman University, provided research assistance on the largest evaluation of public Montessori programs in the United States, and interned on Capitol Hill.

Hayley Sanon
Research Associate & CERN Membership Coordinator

Before AEI, Hayley taught seventh-grade math as a Teach for America member in Greensboro, North Carolina. She earned a BA from Duke University and an MEd from the Harvard Graduate School of Education.

Follow @AEIeducation on Twitter for up-to-the-minute updates
Visit www.aei.org/policy/education
Tips? Comments? Questions? Email HayleySanon at HayleySanon@aei.org

American Enterprise Institute
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Donate to AEI in support of defending and promoting freedom, opportunity, and enterprise.

This message is for: jillian.balow@doc.virginia.gov | Manage Preferences | Unsubscribe

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/7/2022 12:40:16 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Curriculum Question

Please see below; adding to our 1 pm for discussion.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Moms4 Liberty** <moms4libertybedford@gmail.com>
Date: Mon, Mar 7, 2022 at 11:09 AM
Subject: Curriculum Question
To: <elizabeth.schultz@doe.virginia.gov>

Good Morning! Happy Monday!

Our school board is getting ready to recommend some curricula for purchase for the next school year. Members of our organization, Moms for Liberty, have been given the opportunity to review the choices that the curriculum review committee has narrowed down and we are concerned about some of the content. Given the giant, sweeping clean-out going on at the VDOE and the approved curriculum, my concern is that our county will approve these curricula and put them in the hands of our students and, next year, these items won't even be approved by the VDOE. I'd like to encourage our School Board to put the pause button on this purchase (which will use hundreds of thousands of taxpayer dollars), in the interest of making sure that our curriculum is not filled with materials that the VDOE will determine this year is divisive or has an ulterior motive. My concern is that this will be purchased this year, and be unapproved for next year, but will stay in the hands of students for the coming years, because it was "recently purchased" and "VDOE approved at the time". Can you offer any insight into this? The curricula they are suggesting is for Science and English. I would love to have some validation from the administration regarding our thoughts on this matter. Any advice or insight you could offer would be greatly appreciated. My goal is to present our suggestions to our Bedford County School Board at the meeting this Thursday, in the hopes of delaying their purchase approval (which they will vote on at the April meeting).

Also, a quick update for you. The open school board seat that I mentioned to you at dinner a few weeks ago has been filled. The board voted 4-2 to appoint the candidate that our organization was supporting; a conservative, business-owner and parent who has been serving the movement towards parental rights in the last year. He was being opposed by a 40 year veteran of the school system who, in recent years, had sued the school board for sexual discrimination. Another victory for parents!!!

Thanks so much for any insight you can provide!
All the best to you!
Amy Snead

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/18/2022 10:40:26 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Day One Executive Actions Instructions

Attachments: EA Instructions.docx

Just received.
JB

---------- Forwarded message ---------
From: **Ahmad, Ali** <ali.ahmad@governor.virginia.gov>
Date: Tue, Jan 18, 2022 at 9:28 PM
Subject: Day One Executive Actions Instructions
To: Richard Cullen <richard.cullen@governor.virginia.gov>, Matt Moran <matt.moran@governor.virginia.gov>

Good Evening:

Please see attached a breakout of instructions included in the Governor's Day One Executive Actions.

If you have any questions please reach out to us.

Regards,
Ali Ahmad

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CONFIDENTIAL WORKING PAPERS OF THE GOVERNOR

GOVERNOR OF VIRGINIA

Day One Executive Action Instructions By Secretariat

Governor's Office

- **EO 7-** Establish the Human Trafficking Prevention and Survivor Support Commission and assign duties as spelled out in the executive order.

- **EO 8-** Establish a Commission on Combatting Antisemitism, appointing members and chair(s), directing agencies to support as needed. propose actions to combat antisemitism and reduce the number of antisemitic incidents

Chief Transformation Officer

- **EO 5-** The primary responsibilities of the Commonwealth Chief Transformation Officer will be to help build a culture of transparency, accountability, and constructive challenge across our government; ensure employees at all levels of government are reminded that our government works for the citizens of Virginia; drive changes improving the effectiveness and efficiency of our government through tracking key performance metrics; identify, coordinate, and lead targeted transformation efforts; and all other duties and responsibilities as determined and assigned by the Governor.

Office of the Attorney General Requests

- **EO 3-** Request the Attorney General to coordinate the prosecutorial and investigative efforts and to bring such cases as he may deem appropriate in order to protect the citizens of the Commonwealth and hold accountable any individuals who have violated

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existing law or violated the rights of victims of crime.

- **EO 4-** Request the Attorney General to initiate and coordinate investigative and prosecutorial efforts and to take such actions as he may deem appropriate in order to protect the citizens of the Commonwealth and hold accountable any individuals who have violated existing law or violated the rights of victims of crime.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

Administration

- **ED 2**
  - The Department of Human Resource Management shall work with private providers to ensure that vaccines and boosters are available to state employees and shall share provider information with all Executive Branch Employees.
  - The Department of General Services shall work with private providers to ensure that KN95 masks are available to employees and visitors at every state building.
  - Department of Human Resource Management shall issue a revised policy on COVID-19 "Public Health Emergency Leave" as revised or updated for information about paid time off for those diagnosed with COVID-19, in according with Executive Directive Two (2022)

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Agriculture and Forestry

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer

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- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Commerce and Trade

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Commonwealth

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

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Education

- **EO 1**
  - The Superintendent of Public Instruction shall review all policies within the Department of Education to identify those that promote inherently divisive concepts. Such policies shall be ended.
  - The Superintendent of Public Instruction shall immediately review all guidelines, websites, best practices, and other materials produced by the Department of Education to identify those that promote or endorse divisive or inherently racist concepts. Such shall be removed.
  - The Superintendent of Public Instruction shall review the Department of Education's Cultural Competency Training to determine if it or any portion promotes inherently divisive concepts, and take action consistent with the laws of Virginia to modify such training to end the use of inherently divisive concepts. In addition, the Superintendent shall make recommendations on how the Department of Education and school division can develop and make available to all teachers and school leaders model professional development and training so teachers and schools are prepared to engage students on important civics and historical issues in a fair and unbiased manner without imposing their own personal beliefs.
  - The Superintendent of Public Instruction shall review and revise or rescind Superintendent's Memo #050-19 to remove reference to any inherently divisive concepts.
  - The Superintendent of Public Instruction shall review all changes made to the Commonwealth of Virginia's public education curriculum within the last 48 months to identify inherently divisive concepts, including concepts or ideas related to Critical Race Theory, and initiate, through the regular curriculum re-evaluation process, 3 changes that will replace them with concepts and lessons that ensure all Virginia students are taught to respect all individuals regardless of their race, sex, or faith.
  - The Superintendent of Public Instruction shall review the Department of Education's Cultural Competency Training to determine if it or any portion promotes inherently divisive concepts, and take action consistent with the laws of Virginia to modify such training to end the use of inherently divisive concepts. In addition, the Superintendent shall make recommendations on how the Department of Education and school division can develop and make available to all teachers and school leaders model professional development and training so teachers and schools are prepared to engage students on important civics and historical issues in a fair and unbiased manner without imposing their own personal beliefs
  - The Superintendent of Public Instruction shall review and revise or rescind Superintendent's Memo #050-19 to remove reference to any inherently divisive concepts

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- The Superintendent of Public Instruction shall review all changes made to the Commonwealth of Virginia's public education curriculum within the last 48 months to identify inherently divisive concepts, including concepts or ideas related to Critical Race Theory, and initiate, through the regular curriculum re-evaluation process, changes that will replace them with concepts and lessons that ensure all Virginia students are taught to respect all individuals regardless of their race, sex, or faith.
- The Superintendent of Public Instruction shall review the "EdEquityVA" program and end any portion that promotes inherently divisive concepts.
- The Superintendent of Public Instruction shall provide a report to me and the Secretary of Education within 30 days any policies, programs, training, or curricula that falls within the definition of inherently divisive concepts and within 90 days identify any necessary executive and legislative actions needed to end use of all inherently divisive concepts in public education.
- The Superintendent of Public Instruction shall review and immediately end the use of any portion of any Governor's School program that promotes inherently divisive concepts.
- The Superintendent of Public Instruction shall raise standards in K-12 education and immediately take steps to:
    - increase the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensure that such measures do not obscure or conceal disparities in performance among student groups;
    - ensure that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades K-5;
    - ensure that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading; and
    - increase the number of academic-year Governor's Schools in the Commonwealth and maintain standards of excellence for students in all such schools.
    - ensure that parents are empowered with open access to information on primary instructional materials utilized in any school and that fair and open policies are in place to address any concerns or complaints in a timely and respectful manner.
- The Superintendent of Public Instruction shall issue a report to the Secretary of Education and me within 90 days on the status of efforts to close the "achievement gap" in K-12 education, with recommendations for additional executive and legislative actions that should be undertaken to ensure all students are graduating high school career and college ready.
- The Superintendent of Public Instruction will initiate, through the regular curriculum re-evaluation process, changes that ensure Virginia students are given thorough and comprehensive education of world, United States, and

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Virginia history without the influence of inherently divisive concepts.

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- **EO 2**
    - The Superintendent of Public Instruction shall rescind the Interim Guidance for COVID-19 Prevention in Virginia PreK-12 Schools, issued January 14, 2021, and updated October 14, 2021, and issue new guidance for COVID-19 Prevention consistent with this Order.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 8**
    - Participate in Commission on Combatting Antisemitism- compile materials and provide assistance to Virginia's public school system and state institutions of higher education in relation to antisemitism and its connection to the Holocaust.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Finance

- **ED 1-** provide the Governor with a report providing the following information dealing with promulgation of regulations related to regulatory reduction as authorized by House Bill 883 (2018):
    - Recommendations for ensuring complete documentation of any specific legislative mandates directing agencies to promulgate regulatory requirements;
    - An inventory of all exemptions from the Administrative Process Act and analysis of whether continuing these exemptions is in the best interests of the citizens of the Commonwealth. Such analysis shall also provide recommendations for legislative action to implement these recommendations;
    - Recommendations on additional efforts needed to ensure consistency across agencies in the approach to regulatory development and review;
    - Recommendations for improvements to the existing periodic review process, including documenting the statutory authority and certifying the number of regulatory requirements in the regulation at the time of review;
    - The feasibility and effectiveness of expanding the regulatory reduction pilot program to other agencies; and

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    - The feasibility and effectiveness of implementing a 2-for-1 regulatory budget.

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Health and Human Resources

- **EO 2**
    - The State Health Commissioner shall terminate Order of Public Health Emergency Order Ten (2021).

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Labor

- **EO 5-** Collaborate with the Chief Transformation Officer on VEC

- **EO 6**

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- Convene an emergency meeting of the Safety and Health Codes Board membership to discuss whether there is a continued need for the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19." The board is directed to consider federal action in regard to the Occupational Safety and Health Administration Emergency Temporary Standard. The Board should report its findings to the Governor within 30 days.
- Seek guidance from the Office of the Attorney General regarding whether the proper legal and administrative procedures were followed during adoption and promulgation of the Permanent Standards.
- As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under my authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Natural and Historic Resources

- **EO 9**
  - Director of DEQ shall in coordination with Secretary:
    - Provide me a full report re-evaluating the costs and benefits of participation in the Regional Greenhouse Gas Initiative Inc. in view of all available data, within 30 days.
    - During this same period, develop a proposed emergency regulation for the State Air Pollution Control Board's consideration to repeal 9VAC5-140.
    - During this same period, take all necessary steps to so that any proposed regulation to the State Air Pollution Control Board can be immediately presented for consideration for approval for public comment in accordance with the Board's authority pursuant to § 10.1-1308 of the Code of Virginia.

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- During this same period, notify the Regional Greenhouse Gas Initiative Inc. (RGGI Inc.) of the review and the Governor's intent to withdraw from RGGI, whether by legislative or regulatory action.

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Public Safety and Homeland Security

- **EO 3:** The Secretary of Public Safety and Homeland Security is directed to perform a programmatic review of the Parole Board's duties, procedures, and administration. The review shall include, but not be limited to, increasing the transparency of Parole Board votes, recording reasons for granting parole, and reviewing the management, personnel, and operations of the Parole Board. This review shall provide recommendations for legislative, administrative, and policy changes that will improve the administration of the agency in fulfilling its solemn public safety mission.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by

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federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Transportation

- **EO 5-** Collaborate with the Chief Transformation Officer on DMV

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Veterans and Defense Affairs

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/10/2022 10:02:54 AM
To: "Denise Burch" <denise.burch@governor.virginia.gov>, "Rebecca Askew" <rebecca.askew@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Cc:
Subject: Fwd: FOIA request - VPM

FOIA review

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Tue, Feb 8, 2022 at 4:57 PM
Subject: Fwd: FOIA request - VPM
To: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Cc: Ken Blackstone <ken.blackstone@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>

Good afternoon,

Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.

Sincerely,
Rebecca Askew

---------- Forwarded message ---------
From: **Ben Paviour** <bpaviour@vpm.org>
Date: Tue, Feb 8, 2022 at 4:20 PM
Subject: FOIA request - VPM
To: FOIA, rr <foia@doe.virginia.gov>

Hi Rebecca,

I'd like to request the following records:

1. Any correspondence related to the fulfilling of my FOIA request dated 1/18/22
2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.

Please let me know if there will be any costs associated with this request or if you have any questions.

Best,
Ben

Ben Paviour
State Politics Reporter
Phone 434.282.9472

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VPM.org | @myVPM on Facebook, Twitter and Instagram

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/7/2022 5:23:36 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: FOIA Request

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 3, 2022 at 3:11 PM
Subject: Fwd: FOIA Request
To: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Cc: Leslie Sale <leslie.sale@doe.virginia.gov>

Good afternoon, Dicky:

Please see the below Virginia FOIA request we received earlier today for copies of "any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts regarding the ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH." I am currently waiting for the requester to confirm the intended date range for this request.

At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Are you also able to assist me with identifying any individuals who may have other responsive records that would not be captured in an email search, and/or assist with obtaining any such records from these individuals?

Without an extension, our response will be due by or before next Thursday, February 10th. Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.

Best regards,
Rebecca W.

---------- Forwarded message ---------
From: **Matthew Sommer** <matthew.john.sommer@gmail.com>
Date: Thu, Feb 3, 2022 at 8:47 AM
Subject: Re: FOIA Request
To: FOIA, rr <foia@doe.virginia.gov>

Hello Rebecca,

Matthew Sommer
949 Glenwood station lane
#101
Charlottesville, VA 22901

On Thu, Feb 3, 2022 at 8:20 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> Good morning, Mr. Sommer:
>
> I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
>
> Have a good day.
>
> Best regards,
> Rebecca Westfall
>
> On Wed, Feb 2, 2022 at 10:26 PM Matthew Sommer <matthew.john.sommer@gmail.com> wrote:
>
> > Hello,
> >
> > Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.
> >
> > Regarding:
> >
> > The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH
> >
> > Please let me know if there is any expected charge.
> >
> > I am willing to accept this request digitally.
> >
> > Thank You,
> > Matthew Sommer

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/26/2022 9:28:01 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Hello

Attachments: RealignEd, LLC Form W-9.pdf ,10.31.21Resume_KimberlyMRichey (5).pdf

---

---------- Forwarded message ---------
From: <krichey43@aol.com>
Date: Wed, Jan 26, 2022 at 6:26 PM
Subject: Re: Hello
To: dicky.shanor@doe.virginia.gov <dicky.shanor@doe.virginia.gov>

Hi, Dicky--
So good to meet you this evening. The name of my VA LLC is: RealignEd, LLC. See attached, although I'm not sure whether you need it.

I am also sharing my resume with you, FYI. It may provide additional insight into my background. Please don't hesitate to let me know if I can help out in any other way -- or if you need more info.

So good to meet you, and Boomer Sooner!

Kim

-----Original Message-----
From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
To: krichey43@aol.com
Sent: Wed, Jan 26, 2022 8:11 pm
Subject: Hello

AMERICAN OVERSIGHT

KIMBERLY M. RICHEY

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WORK EXPERIENCE

Principal/Founder, RealignEd, LLC **February 2021-Present**

- Distinguished Education Fellow, Parents Defending Education
  - Provide expert policy and legal advice on a range of educational issues, including the collection and maintenance of student data, student privacy, social-emotional learning programs, implementation of federal civil rights laws, student privacy, parental involvement in school board meetings, open records requests, and matters involving parental access;
  - Draft model legislation and school district policies that:
    - Eliminate critical race theory in all programs and activities within K-12 public schools
    - Establish and recognize the fundamental right of parents to govern all aspects of their child's education and ensure parental access to curriculum, educational materials, training programs, diversity/equity plans, school district policies and other public records;
    - Prohibit action civics in classroom;
    - Establish public reporting requirements for public schools and prohibit public school employees from engaging in certain political activity;
  - Work with state educational agencies and governors across the country to enact model legislation and regulations that enshrine the rights of parents and protect students' rights.
- Senior Education Fellow, Texas Public Policy Foundation
  - Provide policy guidance and draft legislation on issues involving school choice, charter school programs and virtual education programs;
  - Provide legal advice on the applicability of Title IX of the Education Amendments Act of 1972 to transgender students' participation in athletic events;
  - Draft public comments submitted to the U.S. Department of Education on the implementation of priorities that require schools and states to establish programs based on the principles of critical race theory.
- Senior Education Fellow, Oklahoma Council on Public Affairs
  - Draft regulations prohibiting critical race theory in K-12 programs and activities;
  - Provide training to parents on filing complaints alleging violations of critical race theory prohibitions, and working with school boards/public officials to obtain records and opt-out of mandatory student programs involving race, sex, or gender.
  - Advise on the U.S. Department of Education's investigations into states that have implemented restrictions on mask mandates.
- Education Consultant - American Enterprise Institute
  - Examine issues involving students with disabilities and discipline under Title VI of the Civil Rights Act of 1964; serve on the Conservative Education Reform Network.

Acting Assistant Secretary **August 2020- January 2021**
Principal Deputy Assistant Secretary **September 2018- August 2020**
U.S. Department of Education – Office for Civil Rights (OCR)

- Oversee all aspects of OCR's operations, including administrative and management functions, policy development, communications, and case investigations in OCR's twelve regional offices.

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- Assist in managing a $125 million budget and OCR's approximately 600 employees nation-wide;
- Provide oversight and management of OCR's complaint resolution process, including compliance reviews, targeted investigations, and resolution of over 10,000 civil rights complaints annually;
- Oversee the agency's policy development and enforcement of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975; and
- Manage all administrative functions, including budget, human resources, information technology (IT), and customer service operations, and the implementation processes and procedures to ensure continuous improvement.

- Develop and implement OCR's key policy initiatives affecting all elementary and secondary schools, and all institutions of higher education that receive federal financial assistance from the Department of Education.
  - This includes 17,000 public school districts, charter schools, juvenile justice facilities, alternative schools, schools serving children with disabilities—and all public colleges and universities, vocational schools, community colleges, state vocational rehabilitation agencies, and career and technical institutions.
- Manage all aspects of OCR's legislative affairs, including responding to congressional inquiries, drafting and reviewing legislative correspondence, overseeing hearing and testimony preparation, and representing the Department in meetings with members of Congress.
- Develop short and long-term agency strategic goals and manage external communications.
- Lead and manage OCR's Employee Engagement, Diversity, and Inclusion Committee (EEDIC), the Department's only office-specific diversity and inclusion council.
- Represent OCR in key meetings with other federal agencies, stakeholders, state leaders, public school districts, and institutions of higher education.

Acting Assistant Secretary **June 2017-January 2018**
Deputy Assistant Secretary **January 2018-September 2018**
U.S. Department of Education – Office of Special Education and Rehabilitative Services (OSERS)

- Manage all aspects of OSERS operations, including: 1) Implementation the Individuals with Disabilities Education Act (IDEA) and oversight of the Office of Special Education Programs (OSEP); and 2) Administration of the Rehabilitative Services Administration and oversight of vocational rehabilitation and other services to individuals with disabilities.
  - Oversight of a $16.3 billion portfolio encompassing both competitive & discretionary grant programs and formula grants to states under IDEA and the Rehabilitation Act of 1973; and
  - Effectively management of OSERS' 190 employees to ensure improved outcomes for infants, toddlers, children and individuals with disabilities in education (Part B and Part C) and employment (vocational rehabilitation).
- Oversee all aspects of policy development and interpretation of policies relating to children and individuals with disabilities, including regulatory development and analysis.
- Establish special education policy priorities and vocational rehabilitation policies and work with State education agencies (SEAs) and state vocational rehabilitation agencies to carryout Departmental priorities.
- Oversee all outreach and communications, including outreach to public schools and special education/disability stakeholders, and vocational rehabilitation leaders.

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- Manage all aspects of OSERS' legislative affairs, including responding to congressional inquiries, drafting and reviewing legislative correspondence, overseeing hearing & testimony preparation, and representing the Department in meetings with members of Congress.

Managing Director, Federal Advocacy and Public Policy/
Interim Deputy Associate Executive Director **August 2016-June 2017**
Senior Government Relations Counsel **January 2016-August 2016**
National School Boards Association (NSBA) - Federal Advocacy and Public Policy

- Serve as a policy expert for NSBA and its affiliated state-associations; provide guidance to administrators and school board members on the compliance and implementation of federal laws and regulations.
- Lead a team of policy analysts and federal advocates in all matters relating to state and federal legislation, communications, outreach, and advocacy.
- Advise school board associations on state and federal legislation affecting public schools, including analyzing draft legislation, proposed regulations, and policies impacting all aspects of public education.
- Contribute to governance matters, including the drafting of NSBA's policy statements and advocacy positions.
- Chief advisor on the implementation of the Every Student Succeeds Act (ESSA).
    - Advise NSBA staff, the Board of Directors, and school board associations and local school board members on the legal requirements of ESSA—including drafting all public comments, communications, and advisories on ESSA-related matters.
    - Drafted public comments submitted on behalf of NSBA that resulted in changes to the Department's final ESSA regulations.
    - Hired by state educational agencies to provide state-wide training on the requirements of ESSA.
- Set policy priorities and develop and implement a strategy to engage and inform local school board members, state associations, and other stakeholders on federal education policy. (This includes all federal civil rights laws, IDEA, ESSA, Carl D. Perkins Career and Technical Education Act, the Workforce Innovation and Opportunity Act (WIOA), the Family Educational Rights and Privacy Act (FERPA), and Federal Communications Commission (FCC) rules impacting schools.

General Counsel & Director of Legislative Affairs **July 2012-May 2015**
Assistant General Counsel **Sept. 2011-July 2012**
Oklahoma State Department of Education

- Advise and represent the State Department of Education, the State Superintendent, and the State Board of Education in all legal matters including administrative hearings, litigation, and matters pertaining to compliance with all federal and state laws.
    - Develop and implement key education initiatives and reforms, such as Oklahoma's A-F report card (accountability system), teacher leader effectiveness system, ACE graduation requirements, third grade reading law (Reading Sufficiency Act), and school improvement efforts required by the Elementary and Secondary Education Act (No Child Left Behind).
    - Manage all oversight and compliance activities for over 520 public school districts, and charter schools, schools serving students with disabilities, career and technical institutions, and state juvenile justice facilities.
    - Responsible for the application of federal and state law, development of all regulations pertaining to schools, internal and external policy development and analysis, and all matters involving the U.S. Department of Education.
    - Ensure compliance with the Oklahoma Open Records Act and the Oklahoma Open Meetings Act.

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- Manage and direct the OSDE's legislative and regulatory agenda, including legislative and congressional advocacy, bill drafting, and legislative communications and outreach, and all rule promulgation activities.
- Serve as the Department's liaison with local school districts, state and executive leaders, the governor's office and federal officials—including providing training and technical assistance to school leaders and staff across the State.
- Provide policy analysis and legal advice on all issues related to state education laws involving: school finance and funding, state assessment systems, statewide accountability systems, school improvement initiatives, the development and adoption of state academic standards, student transportation, student privacy, maintenance of records and data collection, establishment of a state longitudinal data system, special education, voucher programs, charter schools, virtual education programs, teacher certification and evaluations, and teacher support.
- Provide policy analysis and legal advice on issues relating to compliance with federal laws such as FERPA, ESEA, IDEA, Carl D. Perkins Career and Technical Education Act, the Workforce Innovation and Opportunity Act (WIOA), and all federal civil rights laws.

General Counsel & Associate Director **Jan. 2010-Sept. 2011**
Assistant General Counsel **June 2009-Jan. 2010**
Oklahoma Council on Law Enforcement Education & Training

- Advise and represent the Executive Director and the Council in all legal matters impacting vocational/training educational institutions.
    - This includes providing legal advice on all matters pertaining to federal and state law, representing the agency in ongoing litigation, internal and external policy development and analysis, and compliance matters/administrative requirements applicable to all governmental entities.
- Manage and direct the agency's legislative agenda, including drafting legislation, providing expert testimony to legislative committees, and passing the agency's proposed legislation.
- Oversee the agency's policy and regulatory agenda, including identifying regulatory priorities, drafting proposed regulations, obtaining public comment, and finalizing and implementing approved/final regulations.
- Manage the agency's communications and outreach, including representing the agency in meetings with federal officials, other state agencies, elected officials, and stakeholders.
- Oversight of the Council's education program, which included relevant student matters such as student discipline, testing, accommodations, admissions, and curriculum.

Counsel to the Assistant Secretary **September 2004-January 2009**
U.S. Department of Education - Office for Civil Rights (OCR)

- Serve as legal advisor to the Assistant Secretary, providing legal advice on cases, enforcement actions, compliance reviews, and other matters relating to the federal laws implemented by OCR.
- Represent the Assistant Secretary in congressional matters, and served as liaison to other federal agencies, Departmental leaders, and with state and federal boards and commissions.
- Provide legal advice and analyze federal civil rights law, OCR policy documents and regulations, and conduct research necessary to implement policies in OCR's twelve regional offices.
- Prepare internal and external policy guidelines relating to Title VI, Title IX, Section 504, Title II, and the Age Discrimination Act of 1975.
- Respond to media inquiries; attend and monitor congressional oversight activities; manage the revision of OCR's Case Processing Manual; assist in the production of OCR's Annual Report to Congress; and oversee OCR's key initiatives.

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Acting Chief of Staff **March 2008-Sept. 2008**
U.S. Department of Education - Office of Legislation and Congressional Affairs

- Oversee legislative and congressional matters, including hearing preparation, hearings, congressional correspondence, and the drafting of written/oral testimony.
- Coordinate the Department's congressional communications and assist White House staff in responding to congressional inquiries.
- Managed congressional communications and operations related to implementation of No Child Left Behind (NCLB).

Research/Teaching Assistant **Aug. 2003-May 2004**
University of Oklahoma College of Law

- Assist teaching students in the areas of constitutional law and first amendment.
- Research constitutional law concepts and principles, as needed, including due process and equal protection under the Fourteenth Amendment.
- Conducted research in the areas of civil rights, individual liberty, school/education law, and election law.

Law Clerk **May-August 2003**
U.S. Department of Justice - Office of Intergovernmental Affairs

- Conducted research on political and legal issues surrounding the passage of the USA Patriot Act.
- Analyzed legal principles related to the racial profiling guidelines issued by the U.S. Department of Justice (DOJ).
- Performed legal research for other divisions in the agency on matters involving national security, unreasonable search and seizure, and privacy.
- Authored letters for the Attorney General to various law enforcement organizations.
- Coordinated with the Office of Legislation and Congressional Affairs to respond to members of Congress, including meeting with congressional staff.
- Conducted stakeholder outreach on behalf of DOJ, including meeting with stakeholders.

White House Liaison and Staff Assistant (Chairman's Office) **Feb. 2000-Aug. 2001**
Republican National Committee, Washington, D.C.

- Served as Liaison to the White House Office of Political Affairs.
- Organized and attended meetings for the 72-Hour Task Force;
- Staffed and coordinated meetings for the White House and other elected officials.
- Authored emails, communications releases, and campaign reports to party members, party leaders, and members of Congress.

Substitute Teacher **August 1999- Jan. 2000**
Putnam City Independent School District

- Taught students in 3rd-8th grade and provided targeted reading intervention to children with disabilities.
- Completed 16 hours towards a Master's Degree in Education in Curriculum and Instruction.

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EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctorate, May 2004

- 2001 Board of Advocates First Year Moot Court Competition
  - 7th Place, Individual Oral Argument Competitor Award (Out of 140 competitors)
- 2002 Pepperdine University National Moot Court Competition
  - First Place Petitioner's Brief- Winner of Brief Writing Competition
  - Oral Argument Quarter-Finalist
- 2003 National Trial Competition (NTC) Team
- 2004 National Moot Court Competition
- 2004 American Trial Lawyer's (ATLA) Trial Team
- Recipient of the Am-Jur Award; Dean's Council; Traffic Court Judge; Inn of Court and Order of the Barristers
- Brasenose College, Oxford, England – Comparative Studies Program

Southern Nazarene University, 1996-1999 — Bethany, OK
B.S., Education (Concentration in English, Political Science)

- Magna Cum Laude
- President's Honor Roll (Each semester)
- Numerous teaching practicum activities
- Alpha Lambda Delta Honor Society

ADMISSIONS AND CERTIFICATIONS

- District of Columbia Bar, License #80467
- Oklahoma Bar, License #20539
- Texas Bar, License, #24095594
- Certified Teacher (Oklahoma), License #208822

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VA-DOE-22-0316-B-000220

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See **Specific Instructions** on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

RealignEd, LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☑ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

469 Dillin Drive

Requester's name and address (optional)

6 City, state, and ZIP code

Lancaster, VA 22503

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

8	7	–	0	8	2	6	3	9	7

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here | **Signature of U.S. person** ► Kimberly Richey Digitally signed by Kimberly Richey Date: 2021.05.26 11:38:58 -05'00' | **Date** ► 5/26/2021

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 10:14:59 AM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: K12 Guidance FAQs

Attachments: VDH FAQs for Revised Interim Guidance for the Prevention of COVID-19 in Virginia K12 Schools, v0.pdf

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Did these go with the Supt Memo before/after our zoom?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

---------- Forwarded message ---------
From: **Forlano, Laurie** <laurie.forlano@vdh.virginia.gov>
Date: Thu, Feb 3, 2022 at 9:06 AM
Subject: K12 Guidance FAQs
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow and Asst. Superintendent Schulz,

Were the attached FAQs shared with School Superintendents? We are receiving feedback from several local health districts that school divisions in their health districts aren't familiar with the document, so just wanted to double check.

We have not posted on our website to date, as we thought sending to school superintendents and local health district staff would be sufficient. However, I'm open to any suggestions to get this information out to school officials more effectively.

Thanks for any insight,

Laurie

Laurie Forlano, DO MPH
Deputy Director, Office of Epidemiology
Virginia Department of Health
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804-337-1193 (mobile)
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VDH Frequently Asked Questions for Revised Interim Guidance for the Prevention of COVID-19 in Virginia K12 Schools

Updated January 26, 2022

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?

Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school-based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to-date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?

CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?

It is possible. The definition of close contact and exceptions pertaining to K-12 schools can be found here. Application of this close contact definition in an environment where all persons in K-

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12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?

Yes to the first question. The definition of close contact and exceptions pertaining to K12 schools can be found here. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?

Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?

A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:
1 - The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2 - Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3 - The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4 - The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

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If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?

In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?

Schools are no longer expected to conduct contact tracing on every individual case of COVID-19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?

A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

When does VDH recommend isolation for students, teachers and staff for COVID-19?

VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K12 parents can be found here.

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When does VDH recommend quarantine for students and staff for COVID-19?

Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K12 parents can be found here. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?

When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?

Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?

VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of

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situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?

Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

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VA-DOE-22-0316-B-000227

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?

The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.

Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?

Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

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Are there any special considerations for classes such as chorus or band?

Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?

Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K12 Testing Coordinator.

The Revised K12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?

School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?

VDH and DOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home

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from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?

Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.
As a reminder, public health does not recommend nor require a test to be released from isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?

Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to

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VA-DOE-22-0316-B-000230

Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in "Test to Stay"?

No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then the school can require the student to wear a mask for 10 days following exposure to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?

The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-000231

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:20:43 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Letter to Fight for Schools

Attachments: Lettertofightforschools.docx (1).pdf

Per our conversation; if you need language to respond, please let me know.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 3:15 PM
Subject: Fwd: Letter to Fight for Schools
To: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 21, 2022 at 10:28 AM
Subject: Letter to Fight for Schools
To: <ian@fightforschools.com>

Hi Ian, Last week Superintendent Balow sent you a response letter. I am confirming you received it. I have attached a copy for your records. Thank you for all you do for our kids.

--
Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/20/2022 9:54:58 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Dicky Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Lexington City Schools maintains universal masking policy

---

---------- Forwarded message ---------
From: **Patrick Rhamey** <prhamey@gmail.com>
Date: Wed, Jan 19, 2022 at 6:13 PM
Subject: Fwd: Lexington City Schools maintains universal masking policy
To: <jillian.balow@doe.virginia.gov>

Superintendent Balow,

Parents of Lexington City School students all received the below letter regarding their mask policy, which directly contradicts the Governor's executive order. Could you please clarify who is in the right, the school board or the governor?

Thanks,
Patrick Rhamey

---------- Forwarded message ---------
From: **Lexington City Schools** <lcs_alerts@lexedu.org>
Date: Wed, Jan 19, 2022 at 5:57 PM
Subject: Lexington City Schools maintains universal masking policy
To: <karhamey@gmail.com>

Good evening, Lexington City Schools' families and staff -

Please read the attached letter for important information regarding our schools' universal masking policy.
If you have any questions, please feel free to contact your child's school or our School Board Office.

Thank you, as always, for your cooperation and support of our schools, students, and staff.

Best,

Rebecca Walters, Division Superintendent

Attached Files
LCS masking requirement 1 19 2022.pdf

unsubscribe

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A Rave Mobile Safety Company

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/8/2022 3:04:28 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Loudoun Letter

Attachments: Lettertofightforschools.docx

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

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VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

Dear

Re: Fight for Schools Request

Dear Fight for Schools:

I want to thank you for your letter and supporting documentation in regards to Superintendent Ziegler. Please know I am monitoring these issues very closely. Until a thorough investigation has been completed by the Office of the Attorney General, I will not be making any recommendation for the Loudoun County School District.

Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/14/2022 11:12:27 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Loudoun Letter

Attachments: Lettertofightforschools.docx

Hi ELizabeth, This is a draft. We want to keep it short and simple yet supportive. Please review.

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

Dear

Re: Fight for Schools Request

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Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/8/2022 10:47:43 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Attachments: image001.jpg ,image002.jpg ,EP3437635.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Dickey, Kent** <kent.dickey@doe.virginia.gov>
Date: Tue, Feb 8, 2022 at 5:42 PM
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>

The RealignEd, LLC PO is now fully approved. Kent

---------- Forwarded message ---------
From: **Monique Jones** <monique.jones@doe.virginia.gov>
Date: Tue, Feb 8, 2022 at 5:26 PM
Subject: RE: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval
To: Dickey, Kent <kent.dickey@doe.virginia.gov>
Cc: Cathy Estep <cathy.estep@doe.virginia.gov>

The PO is fully approved and the Contractor can begin work per the SOW.

Monique R. Jones, CPPB, VCO
Director of Procurement
OFFICE OF PROCUREMENT
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

VDOE has modified operations to maintain the health and safety of our employees and the community at large due to COVID-19. The best way to contact me is through email, as I am currently working remotely.

From: Dickey, Kent <kent.dickey@doe.virginia.gov>
Sent: Tuesday, February 8, 2022 4:47 PM
To: Monique Jones <monique.jones@doe.virginia.gov>
Cc: Estep, Cathy <cathy.estep@doe.virginia.gov>
Subject: Re: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Approved. Thanks for your help on it.

On Tue, Feb 8, 2022 at 4:24 PM Monique Jones <monique.jones@doe.virginia.gov> wrote:

Monique R. Jones, CPPB, VCO
Director of Procurement
OFFICE OF PROCUREMENT
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

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AMERICAN OVERSIGHT

Order No. EP3437635-

Issued on Tue Feb 08 17:22:49 EST 2022 eVA Req#: PR9678139
Created on Tue Feb 08 17:22:49 EST 2022 by Wells, Susanna

Supplier:
REALIGNED LLC
469 Dillin Dr
Lancaster VA 22503-3435 United States
Phone: 000-000-0000 Fax: 000-000-0000
Contact: Kimberly Richey
Vendor TIN: *****6397
SWAM:

Ordering Person:
Department of Education
Wells, Susanna
Phone: 804-371-4917
E-mail: susanna.wells@doe.virginia.gov

Ship To:
Department of Education
101 N 14th St
Richmond, VA 23219 United States
Phone: 804-225-3348 Fax: 804-225-2509
Deliver To: Susanna Wells

Bill To:
Dept of Education Accts Payable
PO Box 2120
Richmond, VA 23218-2120 United States
Phone: 804-786-8481 Fax: 804-225-2045
E-mail:

Item	Item Number	Description	Need By	Quantity	Unit	Unit Price	Extended Amount	Contract Number
1		RealignEd, LLC (the Contractor) will provide subject matter expertise, review and evaluation, and policy advice related to inherently divisive concepts and other provisions in Executive Order One. Period of Performance is date eVA purchase order is fully approved through April 30, 2022.		1	each	$ 10,000 USD	$ 10,000 USD	

Line	Comments:

Total :	$ 10,000 USD

Status: Ordering

This order is governed in all respects by the laws of the Commonwealth of Virginia, including the Virginia Public Procurement Act, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, and the Commonwealth of Virginia Vendors Manual copies of which are available at www.eVA.virginia.gov. The stated price(s) include shipping FOB destination unless otherwise stated in the body of the order. In addition, this order is subject to an eVA transaction fee in accordance with the eVA Fee Schedule a copy of which is available at https://dgs.virginia.gov/procurement/policy-consulting--review/policy. This fee will be invoiced to your company approximately 60 days after the order issue date specified above, by the Commonwealth of Virginia, Department of General Services. Any modification to these terms must be agreed to in writing by both parties prior to performance of this order. This order may be subject to federal oversight. The vendor, as applicable, will comply with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) Part 317-326 (Procurement Standards) and Section 2 CFR 200.404 (Cost Reasonableness).

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/16/2022 3:10:08 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Attachments: image001.jpg ,image002.jpg ,EP3437635.pdf

Sent to Kim...

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Monique R. Jones, CPPB, VCO
Director of Procurement
OFFICE OF PROCUREMENT
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

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Monique R. Jones, CPPB, VCO
Director of Procurement
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804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

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AMERICAN OVERSIGHT

Order No. EP3437635-

Issued on Tue Feb 08 17:22:49 EST 2022
Created on Tue Feb 08 17:22:49 EST 2022 by Wells, Susanna

eVA Req#: PR9678139

Supplier:
REALIGNED LLC
469 Dillin Dr
Lancaster VA 22503-3435 United States
Phone: 000-000-0000 Fax: 000-000-0000
Contact: Kimberly Richey
Vendor TIN: *****6397
SWAM:

Ordering Person:
Department of Education
Wells, Susanna
Phone: 804-371-4917
E-mail: susanna.wells@doe.virginia.gov

Ship To:
Department of Education
101 N 14th St
Richmond, VA 23219 United States
Phone: 804-225-3348 Fax: 804-225-2509
Deliver To: Susanna Wells

Bill To:
Dept of Education Accts Payable
PO Box 2120
Richmond, VA 23218-2120 United States
Phone: 804-786-8481 Fax: 804-225-2045
E-mail:

Item	Item Number	Description	Need By	Quantity	Unit	Unit Price	Extended Amount	Contract Number
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Line	Comments:

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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:28:40 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>, "Charles Pyle" <charles.pyle@doe.virginia.gov>
Subject: Fwd: Question

Attachments: Lettertofightforschools.docx (1).pdf

Jillian:
Just providing the below as a courtesy, as there appears to be a forthcoming Washington Post news article about the letter written by the Fight for Schools organization to VDOE, the response (attached hereto), and the Loudoun investigation by the OAG.

Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 11:09 AM
Subject: Fwd: Question
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>

This just came in from Hannah with the Post. Can we get together and discuss briefly?

Charles B. Pyle
Director of Communications & Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
(804) 371-2420
(804) 640-2117 (cell)
(804) 640-2117 mobile

---------- Forwarded message ---------
From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
Date: Tue, Mar 22, 2022 at 10:58 AM
Subject: RE: Question
To: Pyle, Charles <charles.pyle@doe.virginia.gov>, ken.blackstone@doe.virginia.gov <ken.blackstone@doe.virginia.gov>

Hi Charles and Ken,

Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow - in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."

- Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
- When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
- Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?

I am requesting responses by 3 p.m. EST today latest. Thank you.

Best,

Hannah

From: Natanson, Hannah <Hannah.Natanson@washpost.com>
Sent: Thursday, February 10, 2022 12:51 PM
To: Pyle, Charles <charles.pyle@doe.virginia.gov>
Subject: Re: Question

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Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,
>
> Hannah

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VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 5:20:12 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Questions/Answers from 24 Jan Supts Call

It seems odd that this was not presented in document form (pdf), with clarity around the intended audience (versus an email reply with text) - just an observation.

---------- Forwarded message ---------
From: **Hendron, John** <john.hendron@doe.virginia.gov>
Date: Thu, Feb 3, 2022 at 2:27 PM
Subject: Re: Questions/Answers from 24 Jan Supts Call
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
CC: Richard Shanor <dicky.shanor@doe.virginia.gov>, Jillian Balow <jillian.balow@doe.virginia.gov>

It went to all division superintendents, and any others invited on last Monday's call (VASS, VHSL, VSBA).

On Thu, Feb 3, 2022 at 2:03 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> John:
> Would you please let me know to whom this went - just received as a BCC.
> Thank you,
> Elizabeth
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> Good afternoon,
> Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.
>
> On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.
>
> ## Masking in Schools
>
> **What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?**
> Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.
>
> While parents and families can choose for their child to not wear a mask at school, VDH recommends:
> - All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
> - People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
> - People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
> - People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
> - Schools review the DOLI standard for any applicable mask requirements for teachers and staff
> - Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.
>
> **Do masks work against the spread of Omicron?**
> CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.
>
> **If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?**
> It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.
>
> **If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?**
> Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.
>
> **Are masks still required on school buses?**
> Yes. Per a federal order, masks are required when using public transportation, which includes school buses.
>
> **Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?**
> Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.
>
> **Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?**
> We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.
>
> **How do division superintendents navigate both SB 1303 and E02?**
> We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking,

OVERSIGHT

as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

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Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?

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Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--
John G. Hendron, Ed.D.
Superintendent's Office
Project Manager of Professional Learning & Organizational Development
Virginia Department of Education
101 N. 14th Street
PO Box 2120
Richmond, VA 23218-2120
email: john.hendron@doe.virginia.gov
web: www.doe.virginia.gov

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John G. Hendron, Ed.D.
Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
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Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 9:49:29 AM
To: "Ortiz, Aurelia" <aurelia.ortiz@doe.virginia.gov>, "Laura Jennings" <laura.jennings@doe.virginia.gov>
Cc:
Subject: Fwd: Signature needed -- Fwd: Brunswick County- SIG award

Attachments: Budget Load.x...s , SAN Attachment A - Special Terms and Conditions (2019 (3).docx , Brunswick Grant Award Notification.docx , AVAILABLE BALANCE Memo 2022.pdf

This is approved

---------- Forwarded message ---------
From: **Ortiz, Aurelia** <aurelia.ortiz@doe.virginia.gov>
Date: Wed, Mar 16, 2022 at 2:19 PM
Subject: Signature needed -- Fwd: Brunswick County- SIG award
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Hi Dicky,
This grant supports Brunswick County. The purpose of this award is for school improvement per the School Improvement Grant Application. This award supports Totaro Elementary School. Your approval is needed.
Lia

---------- Forwarded message ---------
From: **Lankford, Patricia** <pa...lankford@doe.virginia.gov>
Date: Tue, Mar 15, 2022 at 10:26 AM
Subject: Fwd: Brunswick County- SIG award
To: Aurelia Ortiz <aurelia.ortiz@doe.virginia.gov>
Cc: Danette Fleming <danette.fleming@doe.virginia.gov>

---------- Forwarded message ---------
From: **Fleming, Danette** <danette.fleming@doe.virginia.gov>
Date: Tue, Mar 15, 2022 at 8:33 AM
Subject: Brunswick County- SIG award
To: Patricia Lankford <pa...lankford@doe.virginia.gov>

Danette Fleming
Grants and Reporting Manager
Office of School Quality
VIRGINIA DEPARTMENT OF EDUCATION
804.371-4989 | danette.fleming@doe.virginia.gov

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VIRGINIA IS FOR LEARNERS

Virginia is for learners! VIRGINIA DEPARTMENT OF EDUCATION
Aurelia Ortiz, Ed.D.
Director, Office of School Quality
Virginia Department of Education
Office: (804) 786-5819
Working together in service. OneTeam!

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AMERICAN OVERSIGHT

DEPARTMENT OF EDUCATION
Federal Grant Balances by Payee
as of Period - MAR22-22

Run Date : 01-MAR-22 10:17:32 AM

Payee		Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00000	Default						
		APE428920000	1003A School Improvement Grant - Title I	15,045,987.03	0	0	15,045,987.03
			Subtotal:	15,045,987.03	0.00	0.00	15,045,987.03
		DOE866000000	Chapter I Adminstration	802,043.05	0	0	802,043.05
			Subtotal:	802,043.05	0.00	0.00	802,043.05
		DOE866040000	1003A Intensive Assistance	100,000.89	0	0	100,000.89
			Subtotal:	100,000.89	0.00	0.00	100,000.89
		00000	Payee Total:	**15,948,030.97**	**0.00**	**0.00**	**15,948,030.97**
00001	Accomack County Public Schools						
		APE429010000	Title I - Local Education Agency	1,766,403.12	0	0	1,766,403.12
			Subtotal:	1,766,403.12	0.00	0.00	1,766,403.12
		00001	Payee Total:	**1,766,403.12**	**0.00**	**0.00**	**1,766,403.12**
00002	Albemarle County Public Schools						
		APE429010000	Title I - Local Education Agency	1,531,737.66	0	452,272.37	1,079,465.29
			Subtotal:	1,531,737.66	0.00	452,272.37	1,079,465.29
		00002	Payee Total:	**1,531,737.66**	**0.00**	**452,272.37**	**1,079,465.29**
00003	Alleghany County Public Schools						
		APE429010000	Title I - Local Education Agency	572,780.88	0	0	572,780.88
			Subtotal:	572,780.88	0.00	0.00	572,780.88
		00003	Payee Total:	**572,780.88**	**0.00**	**0.00**	**572,780.88**
00004	Amelia County Public Schools						
		APE429010000	Title I - Local Education Agency	298,493.02	0	0	298,493.02
			Subtotal:	298,493.02	0.00	0.00	298,493.02

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
		00004 Payee Total:	**298,493.02**	**0.00**	**0.00**	**298,493.02**
00005	**Amherst County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	972,242.61	0	264,164.25	708,078.36
		Subtotal:	972,242.61	0.00	264,164.25	708,078.36
		00005 Payee Total:	**972,242.61**	**0.00**	**264,164.25**	**708,078.36**
00006	**Appomattox County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	611,448.45	0	168,428.39	443,020.06
		Subtotal:	611,448.45	0.00	168,428.39	443,020.06
		00006 Payee Total:	**611,448.45**	**0.00**	**168,428.39**	**443,020.06**
00007	**Arlington County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	2,734,052.89	0	0	2,734,052.89
		Subtotal:	2,734,052.89	0.00	0.00	2,734,052.89
		00007 Payee Total:	**2,734,052.89**	**0.00**	**0.00**	**2,734,052.89**
00008	**Augusta County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,300,574.73	0	255,640.77	1,044,933.96
		Subtotal:	1,300,574.73	0.00	255,640.77	1,044,933.96
		00008 Payee Total:	**1,300,574.73**	**0.00**	**255,640.77**	**1,044,933.96**
00009	**Bath County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	78,645.87	0	29,396.87	49,249.00
		Subtotal:	78,645.87	0.00	29,396.87	49,249.00
		00009 Payee Total:	**78,645.87**	**0.00**	**29,396.87**	**49,249.00**
00010	**Bedford County Public Schools**					

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
00010	Bedford County Public Schools					
	APE429010000	Title I - Local Education Agency	1,572,244.18	0	13,285.2	1,558,958.98
		Subtotal:	1,572,244.18	0.00	13,285.20	1,558,958.98
		00010 Payee Total:	1,572,244.18	0.00	13,285.20	1,558,958.98
00011	Bland County Public Schools					
	APE429010000	Title I - Local Education Agency	134,294.33	0	57,066.52	77,227.81
		Subtotal:	134,294.33	0.00	57,066.52	77,227.81
		00011 Payee Total:	134,294.33	0.00	57,066.52	77,227.81
00012	Botetourt County Public Schools					
	APE429010000	Title I - Local Education Agency	428,794.83	0	110,958.06	317,836.77
		Subtotal:	428,794.83	0.00	110,958.06	317,836.77
		00012 Payee Total:	428,794.83	0.00	110,958.06	317,836.77
00013	Brunswick County Public Schools					
	APE429010000	Title I - Local Education Agency	751,638.69	0	125,720.03	625,918.66
		Subtotal:	751,638.69	0.00	125,720.03	625,918.66
		00013 Payee Total:	751,638.69	0.00	125,720.03	625,918.66
00014	Buchanan County Public Schools					
	APE429010000	Title I - Local Education Agency	1,318,402.29	0	0	1,318,402.29
		Subtotal:	1,318,402.29	0.00	0.00	1,318,402.29
		00014 Payee Total:	1,318,402.29	0.00	0.00	1,318,402.29
00015	Buckingham County Public Schools					
	APE428920000	1003A School Improvement Grant - Title I	199,999.5	0	0	199,999.50
		Subtotal:	199,999.50	0.00	VA-DOE-220316-B-000258	199,999.50

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00015	Buckingham County Public Schools						
	APE429010000	Title I - Local Education Agency		728,932.74	0	0	728,932.74
		Subtotal:		728,932.74	0.00	0.00	728,932.74
	00015	Payee Total:		928,932.24	0.00	0.00	928,932.24
00016	Campbell County Public Schools						
	APE429010000	Title I - Local Education Agency		1,587,937.4	0	312,919.35	1,275,018.05
		Subtotal:		1,587,937.40	0.00	312,919.35	1,275,018.05
	00016	Payee Total:		1,587,937.40	0.00	312,919.35	1,275,018.05
00017	Caroline County Public Schools						
	APE429010000	Title I - Local Education Agency		864,573.15	0	349,563.61	515,009.54
		Subtotal:		864,573.15	0.00	349,563.61	515,009.54
	00017	Payee Total:		864,573.15	0.00	349,563.61	515,009.54
00018	Carroll County Public Schools						
	APE429010000	Title I - Local Education Agency		1,109,420.33	0	27,190.81	1,082,229.52
		Subtotal:		1,109,420.33	0.00	27,190.81	1,082,229.52
	00018	Payee Total:		1,109,420.33	0.00	27,190.81	1,082,229.52
00019	Charles City Public Schools						
	APE429010000	Title I - Local Education Agency		189,105.58	0	0	189,105.58
		Subtotal:		189,105.58	0.00	0.00	189,105.58
	00019	Payee Total:		189,105.58	0.00	0.00	189,105.58
00020	Charlotte County Public Schools						
	APE429010000	Title I - Local Education Agency		837,316.47	0	0	837,316.47
		Subtotal:		837,316.47	0.00	VA-DOE-220316-B-000259	837,316.47

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
		00020	Payee Total:	837,316.47	0.00	0.00	837,316.47
00021	Chesterfield County Public Schools						
	APE429010000	Title I - Local Education Agency		8,326,120.31	0	2,347,219.89	5,978,900.42
			Subtotal:	8,326,120.31	0.00	2,347,219.89	5,978,900.42
	APE429350000	Funds For Delinquent Children - Basic		111,299.99	0	0	111,299.99
			Subtotal:	111,299.99	0.00	0.00	111,299.99
		00021	Payee Total:	8,437,420.30	0.00	2,347,219.89	6,090,200.41
00022	Clarke County Public Schools						
	APE429010000	Title I - Local Education Agency		172,539.64	0	37,924.92	134,614.72
			Subtotal:	172,539.64	0.00	37,924.92	134,614.72
		00022	Payee Total:	172,539.64	0.00	37,924.92	134,614.72
00023	Craig County Public Schools						
	APE429010000	Title I - Local Education Agency		193,801.65	0	92,716.58	101,085.07
			Subtotal:	193,801.65	0.00	92,716.58	101,085.07
		00023	Payee Total:	193,801.65	0.00	92,716.58	101,085.07
00024	Culpeper County Public Schools						
	APE429010000	Title I - Local Education Agency		1,424,571.16	0	283,014	1,141,557.16
			Subtotal:	1,424,571.16	0.00	283,014.00	1,141,557.16
		00024	Payee Total:	1,424,571.16	0.00	283,014.00	1,141,557.16
00025	Cumberland County Public Schools						
	APE429010000	Title I - Local Education Agency		469,449.15	0	0	469,449.15
			Subtotal:	469,449.15	0.00	0.00	469,449.15

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
		00025 Payee Total:	**469,449.15**	**0.00**	**0.00**	**469,449.15**
00026	**Dickenson County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	850,836.4	0	0	850,836.40
		Subtotal:	850,836.40	0.00	0.00	850,836.40
		00026 Payee Total:	**850,836.40**	**0.00**	**0.00**	**850,836.40**
00027	**Dinwiddie County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	840,757.17	0	236,568.11	604,189.06
		Subtotal:	840,757.17	0.00	236,568.11	604,189.06
		00027 Payee Total:	**840,757.17**	**0.00**	**236,568.11**	**604,189.06**
00028	**Essex County Public Schools**					
	APE428920000	**1003A School Improvement Grant - Title I**	75,000	0	0	75,000.00
		Subtotal:	75,000.00	0.00	0.00	75,000.00
	APE429010000	**Title I - Local Education Agency**	449,137.05	0	0	449,137.05
		Subtotal:	449,137.05	0.00	0.00	449,137.05
		00028 Payee Total:	**524,137.05**	**0.00**	**0.00**	**524,137.05**
00029	**Fairfax County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	25,041,020.81	0	0	25,041,020.81
		Subtotal:	25,041,020.81	0.00	0.00	25,041,020.81
		00029 Payee Total:	**25,041,020.81**	**0.00**	**0.00**	**25,041,020.81**
00030	**Fauquier County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	890,407.99	0	0	890,407.99
		Subtotal:	890,407.99	0.00	0.00	890,407.99

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
		00030	**Payee Total:**	**890,407.99**	**0.00**	**0.00**	**890,407.99**
00031	Floyd County Public Schools						
	APE429010000	Title I - Local Education Agency		502,099.89	0	161,341.91	340,757.98
			Subtotal:	502,099.89	0.00	161,341.91	340,757.98
		00031	**Payee Total:**	**502,099.89**	**0.00**	**161,341.91**	**340,757.98**
00032	Fluvanna County Public Schools						
	APE429010000	Title I - Local Education Agency		379,988.91	0	155,323.61	224,665.30
			Subtotal:	379,988.91	0.00	155,323.61	224,665.30
		00032	**Payee Total:**	**379,988.91**	**0.00**	**155,323.61**	**224,665.30**
00033	Franklin County Public Schools						
	APE429010000	Title I - Local Education Agency		2,387,177.68	0	466,442.87	1,920,734.81
			Subtotal:	2,387,177.68	0.00	466,442.87	1,920,734.81
		00033	**Payee Total:**	**2,387,177.68**	**0.00**	**466,442.87**	**1,920,734.81**
00034	Frederick County Public Schools						
	APE429010000	Title I - Local Education Agency		1,754,881.12	0	1,014.61	1,753,866.51
			Subtotal:	1,754,881.12	0.00	1,014.61	1,753,866.51
	APE429350000	Funds For Delinquent Children - Basic		71,916.92	0	7,012.5	64,904.42
			Subtotal:	71,916.92	0.00	7,012.50	64,904.42
		00034	**Payee Total:**	**1,826,798.04**	**0.00**	**8,027.11**	**1,818,770.93**
00035	Giles County Public Schools						
	APE429010000	Title I - Local Education Agency		548,905.81	0	0	548,905.81
			Subtotal:	548,905.81	0.00	0.00	548,905.81

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
		00035 Payee Total:	**548,905.81**	**0.00**	**0.00**	**548,905.81**
00036	**Gloucester County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	764,626.01	0	78,569.7	686,056.31
		Subtotal:	764,626.01	0.00	78,569.70	686,056.31
		00036 Payee Total:	**764,626.01**	**0.00**	**78,569.70**	**686,056.31**
00037	**Goochland County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	319,019.15	0	19,222.78	299,796.37
		Subtotal:	319,019.15	0.00	19,222.78	299,796.37
		00037 Payee Total:	**319,019.15**	**0.00**	**19,222.78**	**299,796.37**
00038	**Grayson County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	796,325.89	0	179,609.5	616,716.39
		Subtotal:	796,325.89	0.00	179,609.50	616,716.39
		00038 Payee Total:	**796,325.89**	**0.00**	**179,609.50**	**616,716.39**
00039	**Greene County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	465,980.29	0	0	465,980.29
		Subtotal:	465,980.29	0.00	0.00	465,980.29
		00039 Payee Total:	**465,980.29**	**0.00**	**0.00**	**465,980.29**
00040	**Greensville County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,060,212.7	0	0	1,060,212.70
		Subtotal:	1,060,212.70	0.00	0.00	1,060,212.70
		00040 Payee Total:	**1,060,212.70**	**0.00**	**0.00**	**1,060,212.70**
00041	**Halifax County Public Schools**					

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
	Award: S010A210046	Title IA-Improving Basic Programs				
00041	Halifax County Public Schools					
	APE429010000	Title I - Local Education Agency	1,553,499.7	0	0	1,553,499.70
		Subtotal:	1,553,499.70	0.00	0.00	1,553,499.70
	APE429350000	Funds For Delinquent Children - Basic	59,930.77	0	0	59,930.77
		Subtotal:	59,930.77	0.00	0.00	59,930.77
	00041	Payee Total:	1,613,430.47	0.00	0.00	1,613,430.47
00042	Hanover County Public Schools					
	APE429010000	Title I - Local Education Agency	1,089,662.45	0	0	1,089,662.45
		Subtotal:	1,089,662.45	0.00	0.00	1,089,662.45
	00042	Payee Total:	1,089,662.45	0.00	0.00	1,089,662.45
00043	Henrico County Public Schools					
	APE428920000	1003A School Improvement Grant - Title I	333,655.23	0	0	333,655.23
		Subtotal:	333,655.23	0.00	0.00	333,655.23
	APE429010000	Title I - Local Education Agency	10,637,008.39	0	0	10,637,008.39
		Subtotal:	10,637,008.39	0.00	0.00	10,637,008.39
	00043	Payee Total:	10,970,663.62	0.00	0.00	10,970,663.62
00044	Henry County Public Schools					
	APE429010000	Title I - Local Education Agency	2,538,267.66	0	1,224,605.23	1,313,662.43
		Subtotal:	2,538,267.66	0.00	1,224,605.23	1,313,662.43
	00044	Payee Total:	2,538,267.66	0.00	1,224,605.23	1,313,662.43
00045	Highland County Public Schools					
	APE429010000	Title I - Local Education Agency	59,699.73	0	0	59,699.73
		Subtotal:	59,699.73	0.00	0.00	59,699.73

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
		00045	**Payee Total:**	**59,699.73**	**0.00**	**0.00**	**59,699.73**
00046	Isle of Wight Public Schools						
	APE429010000	Title I - Local Education Agency		787,568.11	0	0	787,568.11
			Subtotal:	787,568.11	0.00	0.00	787,568.11
		00046	**Payee Total:**	**787,568.11**	**0.00**	**0.00**	**787,568.11**
00048	King George County Public Schools						
	APE429010000	Title I - Local Education Agency		418,315.52	0	0	418,315.52
			Subtotal:	418,315.52	0.00	0.00	418,315.52
		00048	**Payee Total:**	**418,315.52**	**0.00**	**0.00**	**418,315.52**
00049	King and Queen County Public Schools						
	APE429010000	Title I - Local Education Agency		222,822.71	0	2,489.41	220,333.30
			Subtotal:	222,822.71	0.00	2,489.41	220,333.30
		00049	**Payee Total:**	**222,822.71**	**0.00**	**2,489.41**	**220,333.30**
00050	King William County Public Schools						
	APE429010000	Title I - Local Education Agency		264,946.4	0	62,840.39	202,106.01
			Subtotal:	264,946.40	0.00	62,840.39	202,106.01
		00050	**Payee Total:**	**264,946.40**	**0.00**	**62,840.39**	**202,106.01**
00051	Lancaster County Public Schools						
	APE429010000	Title I - Local Education Agency		427,725.89	0	0	427,725.89
			Subtotal:	427,725.89	0.00	0.00	427,725.89
		00051	**Payee Total:**	**427,725.89**	**0.00**	**0.00**	**427,725.89**
00052	Lee County Public Schools						

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00052	Lee County Public Schools						
	APE429010000	Title I - Local Education Agency		1,681,352.45	0	460,941.46	1,220,410.99
		Subtotal:		1,681,352.45	0.00	460,941.46	1,220,410.99
	00052	Payee Total:		1,681,352.45	0.00	460,941.46	1,220,410.99
00053	Loudoun County Public Schools						
	APE429010000	Title I - Local Education Agency		1,759,275.56	0	0	1,759,275.56
		Subtotal:		1,759,275.56	0.00	0.00	1,759,275.56
	00053	Payee Total:		1,759,275.56	0.00	0.00	1,759,275.56
00054	Louisa County Public Schools						
	APE429010000	Title I - Local Education Agency		941,339.57	0	0	941,339.57
		Subtotal:		941,339.57	0.00	0.00	941,339.57
	00054	Payee Total:		941,339.57	0.00	0.00	941,339.57
00055	Lunenburg County Public Schools						
	APE429010000	Title I - Local Education Agency		553,764.75	0	119,278.99	434,485.76
		Subtotal:		553,764.75	0.00	119,278.99	434,485.76
	00055	Payee Total:		553,764.75	0.00	119,278.99	434,485.76
00056	Madison County Public Schools						
	APE429010000	Title I - Local Education Agency		390,192.13	0	3,734.5	386,457.63
		Subtotal:		390,192.13	0.00	3,734.50	386,457.63
	00056	Payee Total:		390,192.13	0.00	3,734.50	386,457.63
00057	Mathews County Public Schools						
	APE429010000	Title I - Local Education Agency		210,927.61	0	90,571.99	120,355.62
		Subtotal:		210,927.61	0.00	VA-B-057-20	120,355.62

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
		00057 Payee Total:	**210,927.61**	**0.00**	**90,571.99**	**120,355.62**
00058	**Mecklenburg County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,876,625.96	0	0	1,876,625.96
		Subtotal:	1,876,625.96	0.00	0.00	1,876,625.96
		00058 Payee Total:	**1,876,625.96**	**0.00**	**0.00**	**1,876,625.96**
00059	**Middlesex County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	394,995.77	0	112,147.25	282,848.52
		Subtotal:	394,995.77	0.00	112,147.25	282,848.52
		00059 Payee Total:	**394,995.77**	**0.00**	**112,147.25**	**282,848.52**
00060	**Montgomery County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,888,853.3	0	256,917.5	1,631,935.80
		Subtotal:	1,888,853.30	0.00	256,917.50	1,631,935.80
		00060 Payee Total:	**1,888,853.30**	**0.00**	**256,917.50**	**1,631,935.80**
00062	**Nelson County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	502,890.51	0	0	502,890.51
		Subtotal:	502,890.51	0.00	0.00	502,890.51
		00062 Payee Total:	**502,890.51**	**0.00**	**0.00**	**502,890.51**
00063	**New Kent County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	259,136.17	0	0	259,136.17
		Subtotal:	259,136.17	0.00	0.00	259,136.17
		00063 Payee Total:	**259,136.17**	**0.00**	**0.00**	**259,136.17**
00065	**Northampton County Public Schools**					

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
	Award: S010A210046	Title IA-Improving Basic Programs				
00065	Northampton County Public Schools					
	APE428920000	1003A School Improvement Grant - Title I	73,821.34	0	0	73,821.34
		Subtotal:	73,821.34	0.00	0.00	73,821.34
	APE429010000	Title I - Local Education Agency	720,956.84	0	0	720,956.84
		Subtotal:	720,956.84	0.00	0.00	720,956.84
	00065	Payee Total:	794,778.18	0.00	0.00	794,778.18
00066	Northumberland County Public Schools					
	APE429010000	Title I - Local Education Agency	484,187.06	0	0	484,187.06
		Subtotal:	484,187.06	0.00	0.00	484,187.06
	00066	Payee Total:	484,187.06	0.00	0.00	484,187.06
00067	Nottoway County Public Schools					
	APE429010000	Title I - Local Education Agency	845,235.76	0	138,843.88	706,391.88
		Subtotal:	845,235.76	0.00	138,843.88	706,391.88
	00067	Payee Total:	845,235.76	0.00	138,843.88	706,391.88
00068	Orange County Public Schools					
	APE429010000	Title I - Local Education Agency	750,681.46	0	0	750,681.46
		Subtotal:	750,681.46	0.00	0.00	750,681.46
	00068	Payee Total:	750,681.46	0.00	0.00	750,681.46
00069	Page County Public Schools					
	APE429010000	Title I - Local Education Agency	834,730.46	0	0	834,730.46
		Subtotal:	834,730.46	0.00	0.00	834,730.46
	00069	Payee Total:	834,730.46	0.00	0.00	834,730.46
00070	Patrick County Public Schools					

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Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
00070	Patrick County Public Schools					
	APE429010000	Title I - Local Education Agency	688,893.23	0	0	688,893.23
		Subtotal:	688,893.23	0.00	0.00	688,893.23
		00070 Payee Total:	**688,893.23**	**0.00**	**0.00**	**688,893.23**
00071	Pittsylvania County Public Schools					
	APE429010000	Title I - Local Education Agency	2,760,033.64	0	285,314.21	2,474,719.43
		Subtotal:	2,760,033.64	0.00	285,314.21	2,474,719.43
		00071 Payee Total:	**2,760,033.64**	**0.00**	**285,314.21**	**2,474,719.43**
00072	Powhatan County Public Schools					
	APE429010000	Title I - Local Education Agency	304,116.63	0	34,821.1	269,295.53
		Subtotal:	304,116.63	0.00	34,821.10	269,295.53
		00072 Payee Total:	**304,116.63**	**0.00**	**34,821.10**	**269,295.53**
00073	Prince Edward County Public Schools					
	APE429010000	Title I - Local Education Agency	1,025,785.38	0	461,862.43	563,922.95
		Subtotal:	1,025,785.38	0.00	461,862.43	563,922.95
		00073 Payee Total:	**1,025,785.38**	**0.00**	**461,862.43**	**563,922.95**
00074	Prince George County Public Schools					
	APE429010000	Title I - Local Education Agency	693,741.23	0	0	693,741.23
		Subtotal:	693,741.23	0.00	0.00	693,741.23
		00074 Payee Total:	**693,741.23**	**0.00**	**0.00**	**693,741.23**
00075	Prince William County Public Schools					
	APE429010000	Title I - Local Education Agency	12,708,794.4	0	200,268.55	12,508,525.85
		Subtotal:	12,708,794.40	0.00	200,268.55	12,508,525.85

AMERICAN OVERSIGHT
VA-2022-05316-B-000269

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00075	Prince William County Public Schools						
	APE429350000	Funds For Delinquent Children - Basic		102,738.46	0	0	102,738.46
		Subtotal:		102,738.46	0.00	0.00	102,738.46
		00075 Payee Total:		12,811,532.86	0.00	200,268.55	12,611,264.31
00077	Pulaski County Public Schools						
	APE429010000	Title I - Local Education Agency		1,130,221.19	0	2,237.96	1,127,983.23
		Subtotal:		1,130,221.19	0.00	2,237.96	1,127,983.23
		00077 Payee Total:		1,130,221.19	0.00	2,237.96	1,127,983.23
00078	Rappahannock County Public Schools						
	APE429010000	Title I - Local Education Agency		157,305.81	0	72,286.48	85,019.33
		Subtotal:		157,305.81	0.00	72,286.48	85,019.33
		00078 Payee Total:		157,305.81	0.00	72,286.48	85,019.33
00079	Richmond County Public Schools						
	APE429010000	Title I - Local Education Agency		306,837.76	0	129,887.61	176,950.15
		Subtotal:		306,837.76	0.00	129,887.61	176,950.15
		00079 Payee Total:		306,837.76	0.00	129,887.61	176,950.15
00080	Roanoke County Public Schools						
	APE429010000	Title I - Local Education Agency		1,355,785.04	0	473,886.79	881,898.25
		Subtotal:		1,355,785.04	0.00	473,886.79	881,898.25
		00080 Payee Total:		1,355,785.04	0.00	473,886.79	881,898.25
00081	Rockbridge County Public Schools						
	APE429010000	Title I - Local Education Agency		574,592.27	0	0	574,592.27
		Subtotal:		574,592.27	0.00	VA-DOE-220316-B-000270	574,592.27

AMERICAN OVERSIGHT

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
		00081 Payee Total:	**574,592.27**	**0.00**	**0.00**	**574,592.27**
00082	**Rockingham County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,532,955.74	0	292,072.66	1,240,883.08
		Subtotal:	1,532,955.74	0.00	292,072.66	1,240,883.08
		00082 Payee Total:	**1,532,955.74**	**0.00**	**292,072.66**	**1,240,883.08**
00083	**Russell County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,137,716.35	0	258,724.77	878,991.58
		Subtotal:	1,137,716.35	0.00	258,724.77	878,991.58
		00083 Payee Total:	**1,137,716.35**	**0.00**	**258,724.77**	**878,991.58**
00084	**Scott County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	847,948.19	0	394,542.25	453,405.94
		Subtotal:	847,948.19	0.00	394,542.25	453,405.94
		00084 Payee Total:	**847,948.19**	**0.00**	**394,542.25**	**453,405.94**
00085	**Shenandoah County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,226,058.07	0	259,696.93	966,361.14
		Subtotal:	1,226,058.07	0.00	259,696.93	966,361.14
		00085 Payee Total:	**1,226,058.07**	**0.00**	**259,696.93**	**966,361.14**
00086	**Smyth County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,371,828.34	0	19,574.84	1,352,253.50
		Subtotal:	1,371,828.34	0.00	19,574.84	1,352,253.50
		00086 Payee Total:	**1,371,828.34**	**0.00**	**19,574.84**	**1,352,253.50**
00087	**Southampton County Public Schools**					

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00087	Southampton County Public Schools						
	APE429010000	Title I - Local Education Agency		601,424.79	0	0	601,424.79
		Subtotal:		601,424.79	0.00	0.00	601,424.79
		00087	Payee Total:	**601,424.79**	**0.00**	**0.00**	**601,424.79**
00088	Spotsylvania County Public Schools						
	APE429010000	Title I - Local Education Agency		3,266,435.08	0	4,262.26	3,262,172.82
		Subtotal:		3,266,435.08	0.00	4,262.26	3,262,172.82
		00088	Payee Total:	**3,266,435.08**	**0.00**	**4,262.26**	**3,262,172.82**
00089	Stafford County Public Schools						
	APE429010000	Title I - Local Education Agency		2,096,254.74	0	0	2,096,254.74
		Subtotal:		2,096,254.74	0.00	0.00	2,096,254.74
		00089	Payee Total:	**2,096,254.74**	**0.00**	**0.00**	**2,096,254.74**
00090	Surry County Public Schools						
	APE429010000	Title I - Local Education Agency		210,507.12	0	0	210,507.12
		Subtotal:		210,507.12	0.00	0.00	210,507.12
		00090	Payee Total:	**210,507.12**	**0.00**	**0.00**	**210,507.12**
00091	Sussex County Public Schools						
	APE429010000	Title I - Local Education Agency		562,050.12	0	0	562,050.12
		Subtotal:		562,050.12	0.00	0.00	562,050.12
		00091	Payee Total:	**562,050.12**	**0.00**	**0.00**	**562,050.12**
00092	Tazewell County Public Schools						
	APE429010000	Title I - Local Education Agency		2,195,927.89	0	192,102.69	2,003,825.20
		Subtotal:		2,195,927.89	0.00	192,102.69	2,003,825.20

AMERICAN OVERSIGHT
VA-19-E-02693-B-000272

Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
		00092 Payee Total:	**2,195,927.89**	**0.00**	**192,102.69**	**2,003,825.20**
00093	**Warren County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	963,740.13	0	153,272.25	810,467.88
		Subtotal:	963,740.13	0.00	153,272.25	810,467.88
		00093 Payee Total:	**963,740.13**	**0.00**	**153,272.25**	**810,467.88**
00094	**Washington County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,793,459.05	0	139,756.24	1,653,702.81
		Subtotal:	1,793,459.05	0.00	139,756.24	1,653,702.81
		00094 Payee Total:	**1,793,459.05**	**0.00**	**139,756.24**	**1,653,702.81**
00095	**Westmoreland County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	624,391.4	0	192,714.74	431,676.66
		Subtotal:	624,391.40	0.00	192,714.74	431,676.66
		00095 Payee Total:	**624,391.40**	**0.00**	**192,714.74**	**431,676.66**
00096	**Wise County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	2,414,244.97	0	0	2,414,244.97
		Subtotal:	2,414,244.97	0.00	0.00	2,414,244.97
		00096 Payee Total:	**2,414,244.97**	**0.00**	**0.00**	**2,414,244.97**
00097	**Wythe County Public Schools**					
	APE429010000	**Title I - Local Education Agency**	1,115,667.02	0	0	1,115,667.02
		Subtotal:	1,115,667.02	0.00	0.00	1,115,667.02
		00097 Payee Total:	**1,115,667.02**	**0.00**	**0.00**	**1,115,667.02**
00098	**York County Public Schools**					

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00098	York County Public Schools						
	APE429010000	Title I - Local Education Agency		793,185.81	0	0	793,185.81
		Subtotal:		793,185.81	0.00	0.00	793,185.81
00098		Payee Total:		793,185.81	0.00	0.00	793,185.81
00101	Alexandria City Public Schools						
	APE429010000	Title I - Local Education Agency		4,306,537.61	0	368,641.63	3,937,895.98
		Subtotal:		4,306,537.61	0.00	368,641.63	3,937,895.98
00101		Payee Total:		4,306,537.61	0.00	368,641.63	3,937,895.98
00102	Bristol City Public Schools						
	APE429010000	Title I - Local Education Agency		1,286,923.15	0	479,274.08	807,649.07
		Subtotal:		1,286,923.15	0.00	479,274.08	807,649.07
00102		Payee Total:		1,286,923.15	0.00	479,274.08	807,649.07
00103	Buena Vista City Public Schools						
	APE429010000	Title I - Local Education Agency		282,385.25	0	79,617.66	202,767.59
		Subtotal:		282,385.25	0.00	79,617.66	202,767.59
00103		Payee Total:		282,385.25	0.00	79,617.66	202,767.59
00104	Charlottesville City Public Schools						
	APE429010000	Title I - Local Education Agency		1,471,731.43	0	50,139.98	1,421,591.45
		Subtotal:		1,471,731.43	0.00	50,139.98	1,421,591.45
00104		Payee Total:		1,471,731.43	0.00	50,139.98	1,421,591.45
00106	Colonial Heights City Public Schools						
	APE429010000	Title I - Local Education Agency		596,671.96	0	0	596,671.96
		Subtotal:		596,671.96	0.00	VA-DOE-220316-B-000274	596,671.96

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award:	**S010A210046**	**Title IA-Improving Basic Programs**			
		00106	**Payee Total:**	**596,671.96**	**0.00**	**0.00**	**596,671.96**
00107	**Covington City Public Schools**						
	APE429010000	**Title I - Local Education Agency**		238,748.88	0	58,458.82	180,290.06
			Subtotal:	238,748.88	0.00	58,458.82	180,290.06
		00107	**Payee Total:**	**238,748.88**	**0.00**	**58,458.82**	**180,290.06**
00108	**Danville City Public Schools**						
	APE429010000	**Title I - Local Education Agency**		4,126,942.31	0	536,137.5	3,590,804.81
			Subtotal:	4,126,942.31	0.00	536,137.50	3,590,804.81
		00108	**Payee Total:**	**4,126,942.31**	**0.00**	**536,137.50**	**3,590,804.81**
00109	**Falls Church City Public Schools**						
	APE429010000	**Title I - Local Education Agency**		45,265.55	0	0	45,265.55
			Subtotal:	45,265.55	0.00	0.00	45,265.55
		00109	**Payee Total:**	**45,265.55**	**0.00**	**0.00**	**45,265.55**
00110	**Fredericksburg City Public Schools**						
	APE429010000	**Title I - Local Education Agency**		1,237,019.69	0	0	1,237,019.69
			Subtotal:	1,237,019.69	0.00	0.00	1,237,019.69
		00110	**Payee Total:**	**1,237,019.69**	**0.00**	**0.00**	**1,237,019.69**
00111	**Galax City Public Schools**						
	APE429010000	**Title I - Local Education Agency**		668,724.22	0	11,052.62	657,671.60
			Subtotal:	668,724.22	0.00	11,052.62	657,671.60
		00111	**Payee Total:**	**668,724.22**	**0.00**	**11,052.62**	**657,671.60**
00112	**Hampton City Public Schools**						

AMERICAN OVERSIGHT

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00112	Hampton City Public Schools						
	APE429010000	Title I - Local Education Agency		7,114,378.06	0	0	7,114,378.06
		Subtotal:		7,114,378.06	0.00	0.00	7,114,378.06
	00112	Payee Total:		7,114,378.06	0.00	0.00	7,114,378.06
00113	Harrisonburg City Public Schools						
	APE429010000	Title I - Local Education Agency		1,675,544.77	0	300,440.1	1,375,104.67
		Subtotal:		1,675,544.77	0.00	300,440.10	1,375,104.67
	00113	Payee Total:		1,675,544.77	0.00	300,440.10	1,375,104.67
00114	Hopewell City Public Schools						
	APE429010000	Title I - Local Education Agency		1,742,747.98	0	707,872.52	1,034,875.46
		Subtotal:		1,742,747.98	0.00	707,872.52	1,034,875.46
	00114	Payee Total:		1,742,747.98	0.00	707,872.52	1,034,875.46
00115	Lynchburg City Public Schools						
	APE428920000	1003A School Improvement Grant - Title I		150,000	0	0	150,000.00
		Subtotal:		150,000.00	0.00	0.00	150,000.00
	APE429010000	Title I - Local Education Agency		3,784,895.96	0	640,601.5	3,144,294.46
		Subtotal:		3,784,895.96	0.00	640,601.50	3,144,294.46
	APE429350000	Funds For Delinquent Children - Basic		37,670.76	0	0	37,670.76
		Subtotal:		37,670.76	0.00	0.00	37,670.76
	00115	Payee Total:		3,972,566.72	0.00	640,601.50	3,331,965.22
00116	Martinsville City Public Schools						
	APE429010000	Title I - Local Education Agency		1,241,063.77	0	0	1,241,063.77
		Subtotal:		1,241,063.77	0.00	0.00	1,241,063.77

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Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
		00116	**Payee Total:**	**1,241,063.77**	**0.00**	**0.00**	**1,241,063.77**
00117	Newport News City Public Schools						
	APE428920000	1003A School Improvement Grant - Title I		700,000	0	0	700,000.00
			Subtotal:	700,000.00	0.00	0.00	700,000.00
	APE429010000	Title I - Local Education Agency		11,344,271.44	0	2,961,850.41	8,382,421.03
			Subtotal:	11,344,271.44	0.00	2,961,850.41	8,382,421.03
	APE429350000	Funds For Delinquent Children - Basic		130,135.38	0	2,332.37	127,803.01
			Subtotal:	130,135.38	0.00	2,332.37	127,803.01
		00117	**Payee Total:**	**12,174,406.82**	**0.00**	**2,964,182.78**	**9,210,224.04**
00118	Norfolk City Public Schools						
	APE428920000	1003A School Improvement Grant - Title I		859,459.91	0	0	859,459.91
			Subtotal:	859,459.91	0.00	0.00	859,459.91
	APE429010000	Title I - Local Education Agency		15,411,204.34	0	310,682.39	15,100,521.95
			Subtotal:	15,411,204.34	0.00	310,682.39	15,100,521.95
		00118	**Payee Total:**	**16,270,664.25**	**0.00**	**310,682.39**	**15,959,981.86**
00119	Norton City Public Schools						
	APE429010000	Title I - Local Education Agency		262,870.44	0	72,627.39	190,243.05
			Subtotal:	262,870.44	0.00	72,627.39	190,243.05
		00119	**Payee Total:**	**262,870.44**	**0.00**	**72,627.39**	**190,243.05**
00120	Petersburg City Public Schools						
	APE429010000	Title I - Local Education Agency		3,447,492.72	0	654,673.41	2,792,819.31
			Subtotal:	3,447,492.72	0.00	654,673.41	2,792,819.31
		00120	**Payee Total:**	**3,447,492.72**	**0.00**	**654,673.41**	**2,792,819.31**

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-000277

Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00121	Portsmouth City Public Schools						
	APE428920000	1003A School Improvement Grant - Title I		99,143.86	0	0	99,143.86
		Subtotal:		99,143.86	0.00	0.00	99,143.86
	APE429010000	Title I - Local Education Agency		6,437,981.56	0	0	6,437,981.56
		Subtotal:		6,437,981.56	0.00	0.00	6,437,981.56
	APE429350000	Funds For Delinquent Children - Basic		208,901.53	0	5,761.5	203,140.03
		Subtotal:		208,901.53	0.00	5,761.50	203,140.03
	00121	Payee Total:		6,746,026.95	0.00	5,761.50	6,740,265.45
00122	Radford City Public Schools						
	APE429010000	Title I - Local Education Agency		354,594.67	0	182,352.37	172,242.30
		Subtotal:		354,594.67	0.00	182,352.37	172,242.30
	00122	Payee Total:		354,594.67	0.00	182,352.37	172,242.30
00123	Richmond City Public Schools						
	APE428920000	1003A School Improvement Grant - Title I		1,549,419.1	0	0	1,549,419.10
		Subtotal:		1,549,419.10	0.00	0.00	1,549,419.10
	APE429010000	Title I - Local Education Agency		14,699,002.34	0	1,582,006.85	13,116,995.49
		Subtotal:		14,699,002.34	0.00	1,582,006.85	13,116,995.49
	00123	Payee Total:		16,248,421.44	0.00	1,582,006.85	14,666,414.59
00124	Roanoke City Public Schools						
	APE429010000	Title I - Local Education Agency		7,836,100.08	0	0	7,836,100.08
		Subtotal:		7,836,100.08	0.00	0.00	7,836,100.08
	00124	Payee Total:		7,836,100.08	0.00	0.00	7,836,100.08
00126	Staunton City Public Schools						

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Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
00126	Staunton City Public Schools						
	APE429010000	Title I - Local Education Agency		858,873	0	0	858,873.00
		Subtotal:		858,873.00	0.00	0.00	858,873.00
	APE429350000	Funds For Delinquent Children - Basic		56,506.15	0	0	56,506.15
		Subtotal:		56,506.15	0.00	0.00	56,506.15
	00126	Payee Total:		915,379.15	0.00	0.00	915,379.15
00127	Suffolk City Public Schools						
	APE429010000	Title I - Local Education Agency		3,506,785.89	0	0	3,506,785.89
		Subtotal:		3,506,785.89	0.00	0.00	3,506,785.89
	00127	Payee Total:		3,506,785.89	0.00	0.00	3,506,785.89
00128	Virginia Beach City Public Schools						
	APE429010000	Title I - Local Education Agency		11,304,435.3	0	0	11,304,435.30
		Subtotal:		11,304,435.30	0.00	0.00	11,304,435.30
	APE429350000	Funds For Delinquent Children - Basic		142,121.53	0	0	142,121.53
		Subtotal:		142,121.53	0.00	0.00	142,121.53
	00128	Payee Total:		11,446,556.83	0.00	0.00	11,446,556.83
00130	Waynesboro City Public Schools						
	APE429010000	Title I - Local Education Agency		1,184,824.97	0	0	1,184,824.97
		Subtotal:		1,184,824.97	0.00	0.00	1,184,824.97
	00130	Payee Total:		1,184,824.97	0.00	0.00	1,184,824.97
00131	Williamsburg City Public Schools						
	APE429010000	Title I - Local Education Agency		1,531,499.29	0	0	1,531,499.29
		Subtotal:		1,531,499.29	0.00	0.00	1,531,499.29

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Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
		00131	**Payee Total:**	**1,531,499.29**	**0.00**	**0.00**	**1,531,499.29**
00132	Winchester City Public Schools						
	APE429010000	Title I - Local Education Agency		1,294,527.2	0	114,124.87	1,180,402.33
			Subtotal:	1,294,527.20	0.00	114,124.87	1,180,402.33
		00132	**Payee Total:**	**1,294,527.20**	**0.00**	**114,124.87**	**1,180,402.33**
00135	Franklin City Public Schools						
	APE429010000	Title I - Local Education Agency		797,204.95	0	0	797,204.95
			Subtotal:	797,204.95	0.00	0.00	797,204.95
		00135	**Payee Total:**	**797,204.95**	**0.00**	**0.00**	**797,204.95**
00136	Chesapeake City Public Schools						
	APE429010000	Title I - Local Education Agency		6,988,317.71	0	0	6,988,317.71
			Subtotal:	6,988,317.71	0.00	0.00	6,988,317.71
		00136	**Payee Total:**	**6,988,317.71**	**0.00**	**0.00**	**6,988,317.71**
00137	Lexington City Public Schools						
	APE429010000	Title I - Local Education Agency		67,892.78	0	31,762.99	36,129.79
			Subtotal:	67,892.78	0.00	31,762.99	36,129.79
		00137	**Payee Total:**	**67,892.78**	**0.00**	**31,762.99**	**36,129.79**
00139	Salem City Public Schools						
	APE429010000	Title I - Local Education Agency		522,920.52	0	209,981.37	312,939.15
			Subtotal:	522,920.52	0.00	209,981.37	312,939.15
		00139	**Payee Total:**	**522,920.52**	**0.00**	**209,981.37**	**312,939.15**
00142	Poquoson City Public Schools						

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Payee	Project		Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046 Title IA-Improving Basic Programs				
00142	Poquoson City Public Schools					
	APE429010000	Title I - Local Education Agency	105,007.5	0	0	105,007.50
		Subtotal:	105,007.50	0.00	0.00	105,007.50
		00142 Payee Total:	**105,007.50**	**0.00**	**0.00**	**105,007.50**
00143	Manassas City Public Schools					
	APE429010000	Title I - Local Education Agency	1,372,210.5	0	0	1,372,210.50
		Subtotal:	1,372,210.50	0.00	0.00	1,372,210.50
		00143 Payee Total:	**1,372,210.50**	**0.00**	**0.00**	**1,372,210.50**
00144	Manassas Park City Public Schools					
	APE429010000	Title I - Local Education Agency	359,072.09	0	0	359,072.09
		Subtotal:	359,072.09	0.00	0.00	359,072.09
		00144 Payee Total:	**359,072.09**	**0.00**	**0.00**	**359,072.09**
00202	Colonial Beach Town Public Schools					
	APE429010000	Title I - Local Education Agency	319,775.12	0	0	319,775.12
		Subtotal:	319,775.12	0.00	0.00	319,775.12
		00202 Payee Total:	**319,775.12**	**0.00**	**0.00**	**319,775.12**
00207	West Point Town Public Schools					
	APE429010000	Title I - Local Education Agency	44,684.11	0	0	44,684.11
		Subtotal:	44,684.11	0.00	0.00	44,684.11
		00207 Payee Total:	**44,684.11**	**0.00**	**0.00**	**44,684.11**
00218	Virginia School at Staunton					
	APE429010000	Title I - Local Education Agency	84,475	0	0	84,475.00
		Subtotal:	84,475.00	0.00	VA-DOE-220316-B-000281	84,475.00

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Payee	Project			Budget	Non-Personnel Encumbrance	Actual	Available
		Award: S010A210046	Title IA-Improving Basic Programs				
		00218	Payee Total:	84,475.00	0.00	0.00	84,475.00
00917	Department of Juvenile Justice						
	APE429010000	Title I - Local Education Agency		166,585.18	0	0	166,585.18
			Subtotal:	166,585.18	0.00	0.00	166,585.18
		00917	Payee Total:	166,585.18	0.00	0.00	166,585.18
		S010A210046	Total :	284,613,402.00	0.00	21,632,634.90	262,980,767.10

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
PO BOX 2120
RICHMOND, VIRGINIA 23218-2120

Last revised 6/7/2021

GRANT AWARD NOTIFICATION

Recipient Information			DOE Information		
1. Contact Information:	Brunswick County Public Schools Dr. Kristy Somerville-Midgette 1718 Farmers Field Road		10. Grant Authority:	PI 107-110 I ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED	
2. Universal Identifier	030621432		11. FAIN:	S010A210046	
3. Payee Number	00013		12. Federal/State Award Date:	3/1/2022	
4. Grant Award Title	School Improvement		13. Total Federal/State Award:	$285,517,953.00	
5. DOE Contact:	Dr. Aurelia Ortiz Office of School Quality P.O. Box 2120 Richmond, VA 23218-2120		14. Fund Source:	FEDERAL	
			15. Project Code:	APE42892	
			16. Revenue Source Code:	84.010A	
			17. Program Service Area:	17901-00	
			18. Recipient Type:	SUBRECIPIENT	
			19. Fiscal Year:	2021-2022	
			20. Indirect Cost Rate:	2.70%	Restricted
6. Grant Award Number	S010A210046				
7. Grant Award Action	New				
8. Grant Award Amount:	$74,109.	Original/Previous Current Award			
	$74,109.	***Total Award***			
9. Period of Grant Award:	October 1, 2021-September 1, 2022				

21. Special Terms and Conditions: *All **federal** grant awards are subject to 2 CFR Part 200, and Appendix II for contracts made with federal funds from this grant award. All awards are further subject to "Additional Required Special Terms and Conditions for Grant Awards" on Attachment A. For **Federal** grant awards $25,000 or greater, Attachment B – FFATA Reporting must be completed, signed, and returned to DOE upon request. This award is not for research and development. Indirect cost rates negotiated by DOE on LEA's behalf can be viewed at http://www.doe.virginia.gov/school_finance/budget/index.shtml*

22. Program Specific Instructions:

Brunswick County- purpose of this award is for school improvement per your School Improvement Grant Application. This award supports Totaro Elementary School. The initial budget transfer must be submitted within 30 days of receipt of this Grant Award Notification. Once approved, budget revisions are to be submitted Through OMEGA as a budget transfer. Funds must be encumbered by September 1, 2022. .Omega Reimbursements must be entered into Omega no later than September 15, 2022. See Attachment A for additional DOE Special Terms and Conditions and Assurances.

23. Authorized By:	24. Authorized By:	25. Date:
Richard Shanor, Chief of Staff	**Kent Dickey, Deputy Supt, Budget, Finance & Operations (or Designee)**	

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GAN INSTRUCTIONS

1. **Contact Information**-Enter the Organization Name, Address, Phone Number and Payee Number of the grant recipient.

2. **Universal Identifier**-Enter the DUNS Number.

5. **DOE Contact**- Enter the DOE contact person's Name, Division, Phone Number, and Email Address.

7. **Grant Award Type**-select from dropdown list on the right.

10. **Grant Authority**-Enter Federal/State Granting Authority, Program/Title, and CFDA number. EX: USDA, IDEA, Part B, CFDA xx.xxx

11. **FAIN**-Enter the Federal Award Identification Number (for federal awards only).

16. **Revenue Source Code**-Enter Revenue Source Code or CFDA.

20. **Indirect Cost Rate**- Enter rate, then select restricted or unrestricted to the right.

22. **Program Specific Instructions**-Include all sub-award instructions such as performance, reimbursement method, reporting and close out.

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Budget Load/Adjustment Form

3/1/2022

Justification for Budget Adjustment:

BRUNSWICK COUNTY- SCHOOL IMPROVEMENT GRANT AWARD

FY	Project Code	Indicate Personnel or Non Personnel	Payee	Debit (Add)	Credit (Minus)	Grant Award Number
22	APE42892	*non personnel*	00000		74,109.21	S010A210046
22	APE42892	*non personnel*	00013	74,109.21	-	S010A210046
	TOTAL			**74,109.21**	**74,109.21**	

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INSTRUCTIONS FOR TEMPLATE

Budget Load/Adjustment Form

Justification for Budget Adjustment:

FY	Project Code	Indicate Personnel or Non Personnel	Payee	Debit (Add)	Credit (Minus)	Grant Award Number
18	XXXXXXXX000000		XXXXX			
18	XXXXXXXX000000		XXXXX			
	TOTAL			-	-	

Justification for Budget Adjustment - Please indicate the reason for the budget adjustment (EX. "Initial Budget Load for Award XXX for FY18" or "Budget Adjustment to reduce payee XXX and move to undesignated funds" etc.)

FY - MUST BE THE CURRENT FISCAL YEAR NOT SCHOOL YEAR - JULY 1, 2017 - JUNE 30, 2018 is FY 18

Project Code - MUST BE FORMATED TO GO INTO ORACLE WITH 6 ZEROS ON THE END; EX. APE23456 would be "APE23456000000"

INDICATE PERSONNEL OR NONPERSONNEL BY WRITING ONE OF THOSE FOR EACH LINE "PERSONNEL" or "NONPERSONNEL"

Payee - MUST BE FIVE DIGITS; FOR EXAMPLE PAYEE 43 IS PAYEE 00043; THIS COLUMN SHOULD BE FORMATTED AS TEXT

FOR DEBITS AND CREDITS: UNLESS YOU ARE SETTING UP THE INITIAL AWARD, YOU SHOULD HAVE A DEBIT AND A CREDIT - DEBIT WHERE THE FUNDS ARE GOING AND CREDIT WHERE THEY ARE COMING FROM; YOU SHOULD ALWAYS CHECK YOUR REPORT BEFORE YOU SEND A BUDGET UPLOAD AND **SEND A COPY OF THAT REPORT WITH YOUR BUDGET UPLOAD AS A PDF BY EMAIL**

Grant Award Number: Here, you must put the federal award number (ex. S010A15xxxx) MAKE SURE THE AWARD YEAR IS CORRECT; FOR STATE GRANTS, IF IT IS IN OMEGA, YOU MUST PUT YOUR OMEGA AWARD NUMBER (EX. STATE180000 - the award year here "18" will always corespond with the fiscal year and will change each year) AND IF IT IS STATE WITH NO AWARD NUMBER, THEN JUST PUT "N/A"

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Budget Load/Adjustment Form

Justification for Budget Adjustment:

To move undesignated funds for "America Virginia Grant" to specific payees; Grant Award Notification will be provided for support.

FY	Project Code	Indicate Personnel or Non Personnel	Payee	Debit (Add)	Credit (Minus)	Grant Award Number
18	APE23456000000	*NP*	00000		25,000.00	STATE1800034
18	APE23456000000	*NP*	00001	25,000.00		STATE1800034
	TOTAL			25,000.00	25,000.00	

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ADDITIONAL REQUIRED SPECIAL TERMS AND CONDITIONS FOR GRANT AWARDS OR COOPERATIVE AGREEMENTS

A. Intellectual Property

(i.e. papers, reports, forms, materials, creations, or inventions (intangible property))

Special Terms and Conditions for Intellectual Property apply for all grants or cooperative agreements, regardless of funding source (General, Special, Federal).

Additionally, Federally funded grants or cooperative agreements must meet the requirements of the specific federal grant, such as making any work (e.g., materials, tools, processes, systems) developed freely available to the public, ensuring any websites developed meet government or industry recognized standards for accessibility, and the requirements of **2 CFR §200.315 Intangible Property**, are met.

SECTION I. Grants or Cooperative Agreements under which no Intellectual Property will be created

If grant or cooperative agreement deliverables DO NOT include creation/development of Intellectual Property, the following special terms are applicable to the grant or cooperative agreement:

INTELLECTUAL PROPERTY: The parties agree that no Intellectual Property will be created in performance of this grant or cooperative agreement.

B. Suspension and Debarment Compliance – Non-Procurement Covered Transactions

According to 2 CFR §200.213, non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

All recipients of federal funds through this transaction must comply with 2 CFR 180, Subpart C as a condition of participation in this transaction, and must include similar terms or conditions in lower-tier covered transactions.

C. Federal Funding in Public Announcements

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal funding, U.S. Department of Education sub-grantees shall clearly state:

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1. the percentage of the total costs of the program or project which will be financed with Federal funding;
2. the dollar amount of Federal funds for the project or program; and
3. the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Recipients must comply with these conditions under Division H, Title V, Section 505 of Public Law 113-76. Consolidated Appropriations Act, 2014.

D. Prohibition of Text Messaging and Emailing While Driving During Official Federal Grant Business

Federal grant recipients, sub-recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email while driving.

Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009.

E. Monitoring and Reporting

1. VDOE and auditors shall have access to sub-recipient records and financial statements as necessary to meet monitoring requirements.

2. Project reimbursement and amendment requests must be made utilizing VDOE's automated system Online Management of Education Grant Awards (OMEGA). Exceptions may be granted by VDOE grants managers via notice on the Notification of Grant Award if project reimbursement submissions are expected to be minimal during the award period.

3. Reimbursement may be requested prior to an activity, after the expenditure of funds, where payment in advance of an activity is required. This includes but is not limited to airfare, deposits, and registrations. The LEA is responsible for reconciling expenses after the activity has occurred. Reimbursement may be requested for the difference of expenses higher than the previously requested amount. Expenses lower than the previously requested amount must be repaid via a credit on a reimbursement request within 30 days of the completed activity.

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 9:09:07 AM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Standards of Emotional Learning Requirements

Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?

Can we discuss?

---------- Forwarded message ---------
From: **Brandi Rutz** <brandirutz@icloud.com>
Date: Mon, Mar 14, 2022 at 10:54 PM
Subject: Standards of Emotional Learning Requirements
To: <elizabeth.schultz@doe.virginia.gov>

Hi Mrs. Schultz,

We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.

First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.

Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.

It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.

I appreciate any clarity you can offer.

By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don’t have a reason to doubt her.

Thank you in advance of your time.

Warm Regards,

Brandi Rutz

Sent from my iPhone
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/8/2022 7:34:35 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VASS Board Meeting-Tuesday, March 8

Attachments: image003.jpg ,VASS Blueprint 2020.pdf

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sharing this in advance of today's meeting.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Ben Kiser** <b.kiser@vassonline.org>
Date: Mon, Mar 7, 2022 at 6:20 PM
Subject: VASS Board Meeting-Tuesday, March 8
To: Guidera, Aimee <aimee.guidera@governor.virginia.gov>, jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
Cc: Zebedee Talley <ztalley@martinsville.k12.va.us>, mgill@hcps.us <mgill@hcps.us>, midgettek@brunswickcps.org <midgettek@brunswickcps.org>, Brabrand, Scott S <ssbrabrand@fcps.edu>, Andy Stamp <a.stamp@vassonline.org>, Tom Smith <t.smith@vassonline.org>, Marcus Newsome <m.newsome@vassonline.org>, Fornash, Laura Worley <LFornash@mwcllc.com>, Liza Scallet <l.scallet@vassonline.org>, Bean, Jennifer <jennifer.bean@governor.virginia.gov>

Secretary Guidera

Superintendent Balow

Thank you again for meeting with the VASS Board tomorrow, Tuesday, March 8, from noon to 1:00 p.m. VASS President, Dr. Zeb Talley, Jr., Superintendent in Martinsville City Schools, will open the meeting and welcome you and the others. Dr. Talley will then ask Superintendent Balow the two questions below regarding the 30-day report pertaining to Governor Youngkin's Executive Order #1:

1. To our knowledge, division superintendents were not consulted in reviewing content or in the development of the 30-day report to the Governor. In fact, division superintendents received the report by way of the press. How will you involve division superintendents in other aspects of educational services for children moving forward?
2. Division superintendents have worked with the Virginia Department of Education, the Secretary's office and their own school communities for several years in ensuring equitable services and support for all children, no matter where they live. How does transitioning from equity to opportunity ensure that all children will receive the services and support they need, regardless of where they live?

Following the responses to the questions above, VASS board members will share their perspectives and questions as well for both of you to respond. We hope tomorrow will be the first of many conversations with superintendents as we all strive daily to best serve children.

I am also attaching the latest VASS Blueprint for Achieving Equity in Virginia's Public Schools. Again, we look forward to tomorrow.

Howard B. Kiser (Ben), Ed.D.

Executive Director, VASS

P.O. Box 68

Batesville, Virginia 22924

b.kiser@vassonline.org

Office: 804-562-4430

Cell: 804-815-7661

VASS
Virginia Association of School Superintendents

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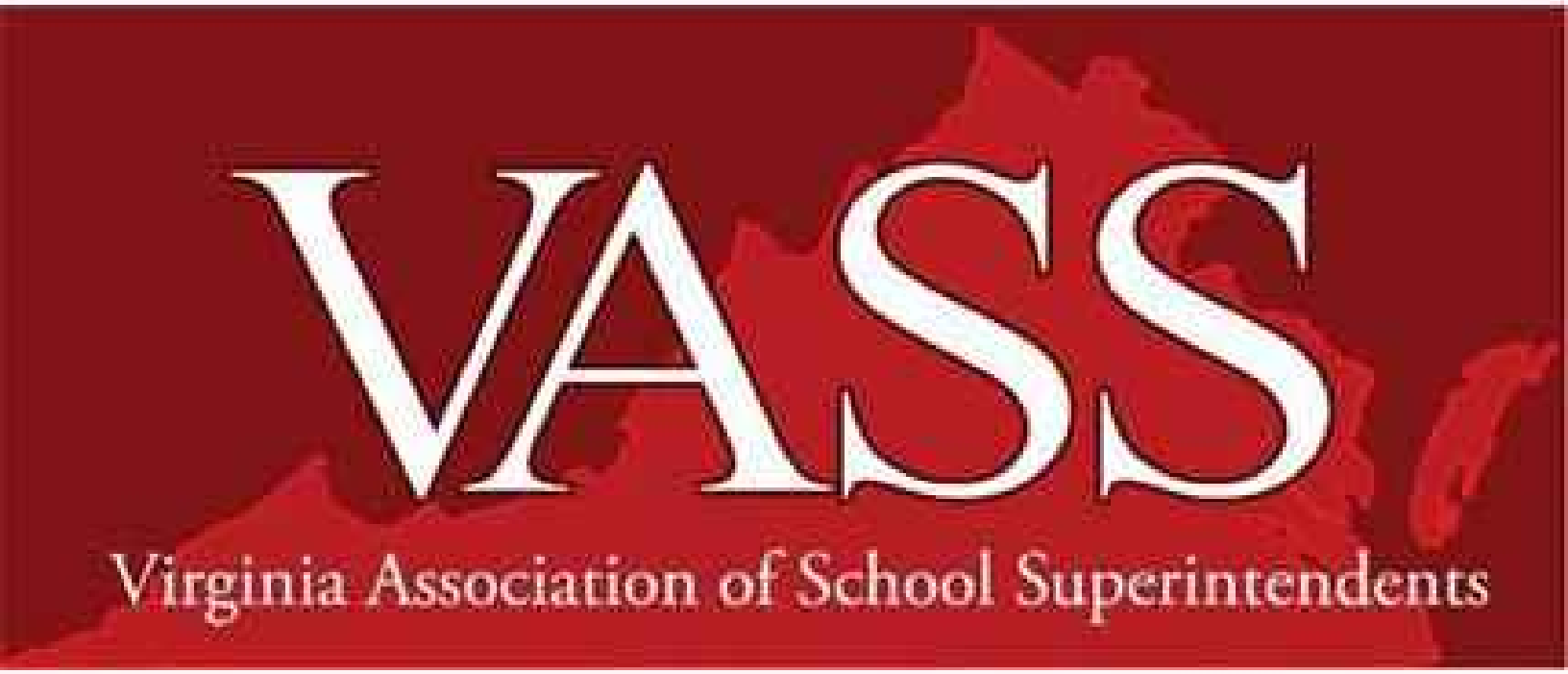

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Blueprint for Achieving equity in Virginia's Public Schools 2020

VASS
Virginia Association of School Superintendents

LEGISLATIVE OVERSIGHT

VA-DOE-22-0316-B-000293

No issue is more urgent in public education than **achieving and ensuring equity in student learning** throughout the Commonwealth of Virginia.

Equity is a multifaceted issue that reflects variability in both geographic location and student demographics across the Commonwealth, as well as per pupil expenditures and students' access to the full range of instructional content and programs essential to success after graduation, regardless of where a student lives. As leaders of public education, we must take a comprehensive approach to achieving and ensuring an equitable education for all students in Virginia so that race, ethnicity, socioeconomic status, special education status, learning ability level, family circumstances, culture, and gender identity are no longer predictors of success. The Commonwealth can achieve these systemic improvements by ensuring that all students have what they need, exactly when they need it, to be successful in school. In order to accomplish this, we must be deliberate in providing the appropriate supports, removing barriers, creating needed learning environments, closing current gaps in opportunity, and changing the current level of educational funding that will ensure equitable opportunities for all students.

During 2019, VASS members identified five primary areas of focus that will define organizational efforts for change and safeguard a relentless commitment to equity for all students. These primary areas of focus are: accountability, public education funding, Profile of a Virginia Graduate, social and emotional learning, and teacher shortage. In each of these areas, VASS members thoughtfully crafted goals, objectives, and strategies framing equity as the critical decision-making lens that will help educators and communities navigate the roadmap to success for all students. We invite you to explore this Blueprint for Equity and join education leaders across the Commonwealth in shaping the future.

BACKGROUND

Since 2011, the Virginia Association of School Superintendents (VASS) collaborated to develop two comprehensive guiding documents to help lead and shape the future of education in the Commonwealth. The first document, ***VASS' Blueprint for Public Education, Bringing Reason to Reform***, was adopted in 2011. The second document, ***VASS' New Blueprint for the Future of Public Education***, was adopted in 2015. Both blueprints outlined specific goals, objectives, and strategies in focus areas to ensure that Virginia's public schools would be positioned to effectively and efficiently provide high quality learning to meet the demands of a rapidly changing world.

Since that time, VASS' voice, through the blueprints, have affected positive changes to policies and legislation to improve the delivery of education services throughout Virginia. Included in those changes have been the Virginia Department of Education launching the Virginia is for Learners initiative, which encourages a statewide focus on early learning experiences and a deeper approach to learning that emphasizes the application of content knowledge in the context of real-world problem solving and skills essential to the future of work in a global economy. The Profile of a Virginia Graduate, Virginia's newly adopted model of state and local accountability, reframed the high school experience to de-emphasize standardized testing and to expand exposure to life-changing career experiences that better prepare graduates for what comes next.

VASS' members who served on the Blueprint Workgroup committees, along with the entire VASS membership consisting of 133 school division superintendents and the superintendents of the Virginia School for the Deaf and Blind and the Virginia Juvenile Services Education Program, have worked diligently throughout 2018-2019 to create this document, ***VASS' Blueprint for Achieving Equity in Virginia's Public Schools.*** Through this Blueprint, VASS enlists the Virginia Department of Education, the Virginia State Board of Education, the Virginia General Assembly, the Virginia Chamber of Commerce, and all other education associations and stakeholders in affirming that providing an equitable education for every student is the Commonwealth's most valuable mechanism for reducing poverty, addressing racial disparity, building thriving communities, and sustaining economic advancement for all Virginians.

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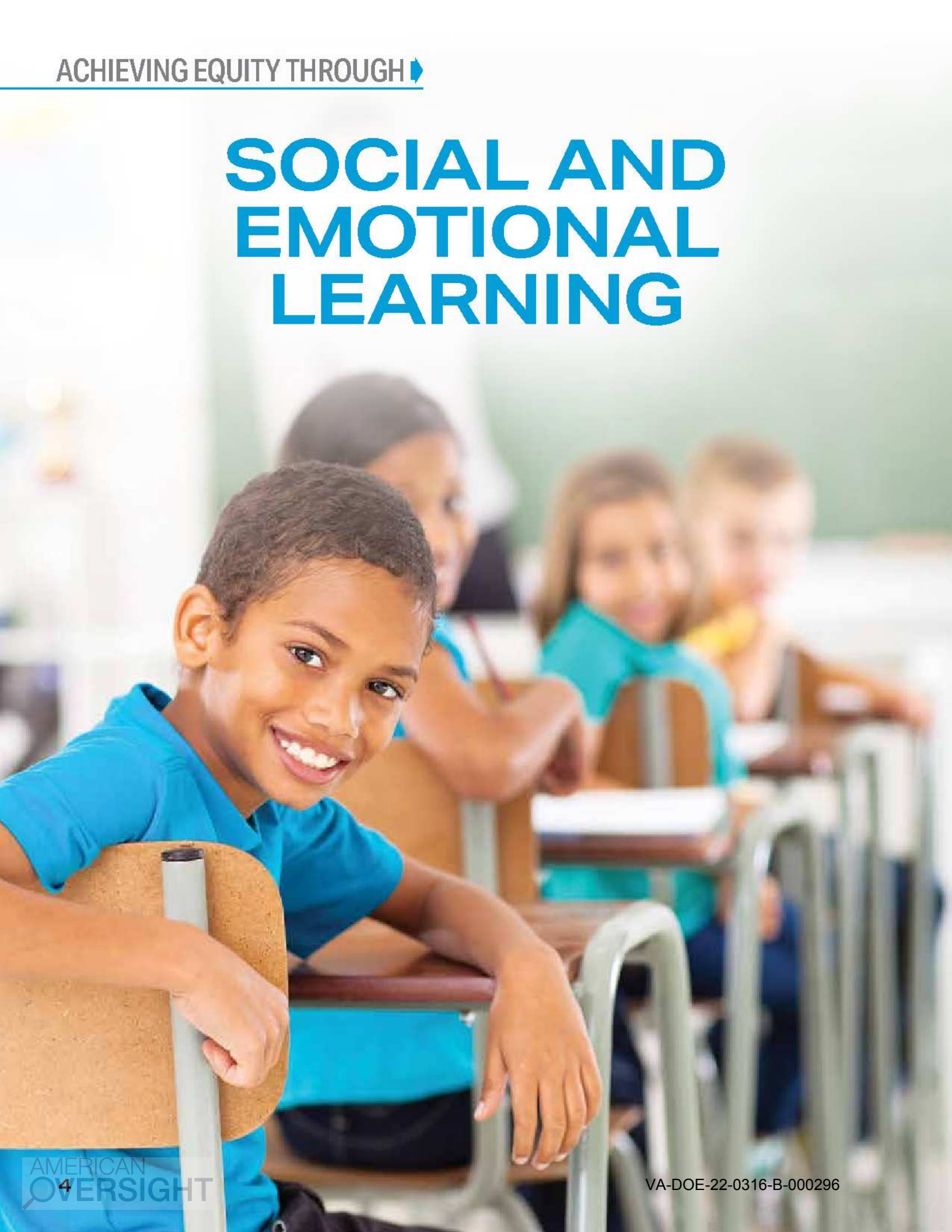
SOCIAL AND EMOTIONAL LEARNING



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The link between a student's academic achievement, social and emotional well-being, regular school attendance, and safe learning environments is well documented. A student's social and emotional development also has a long-term impact on his/her ability to succeed not only in school, but also in future career and life endeavors. When Social and Emotional Learning becomes integral to school culture, regardless of level, it impacts the formal and informal interactions among students, across every classroom, in informal settings (hallways, bathrooms, outdoor areas) that exist in every school and our communities. *The Collaborative for Academic, Social and Emotional Learning (CASEL)* indicates that Social and Emotional Learning is "how children and adults learn to understand and manage emotions, set goals, show empathy for others, establish positive relationships, and make responsible decisions." ("SEL Impact" n.d.) The research has been so clear that a multitude of professional organizations, such as the National Dropout Prevention Center and the National Association for the Education of Young Children, have included social and emotional learning as a cornerstone of their efforts in addressing inequities.

School communities that implement evidence-based practices and programs that support Social and Emotional Learning show academic achievement test score improvements of 11-17 percentile points according to CASEL. In addition, CASEL research indicates:

"SEL programs improved students' social and emotional skills, attitudes about self and others, connection to school, positive social behavior, and academic performance; they also reduced students' conduct problems and emotional distress. Comparing results from these reviews to findings obtained in reviews of interventions by other research teams suggests that SEL programs are among the most successful youth-development programs offered to school-age youth." (Payton and Weissberg, n.d.)

GOAL

All Virginia public schools will implement a systematic, multi-tiered, PK-12 support system that equips students with competencies to appropriately manage emotions, develop healthy relationships, achieve personal and academic goals, exhibit constructive decision making, and demonstrate responsible behaviors essential to meeting the goals set forth in the Virginia Profile of a Graduate so students can live productive and satisfying lives.

OBJECTIVES AND STRATEGIES

Objective 1

By 2021, update Standards of Quality formulas to reflect staffing roles needed to enable school divisions to provide multi-tiered support systems for students who experience adverse childhood experiences (i.e., ACES) and to aid in developing school-wide cultures of caring through implementation of social and emotional learning (SEL) best practices and programs.

Strategies

- Through a comprehensive state-wide survey of school divisions, identify and assess current SEL needs of Virginia's public schools. Utilize this data to develop recommendations for additional staffing required to address the growing social and emotional needs of Virginia's student population. Such recommendations should provide divisions flexibility in how positions are utilized so they are able to address division-specific needs in providing appropriate SEL supports.
- Articulate SEL staffing roles that school divisions identify and report to VDOE for funding allocations including, but not limited to, Board Certified Behavioral Analysts (BCBAs), School Psychologists, School Social Workers and School Counselors.
- Identify and prioritize state funding mechanisms to support designated SEL staffing positions.

Objective 2

By 2021, develop a statewide repository of evidence-based practices and curated resources key to understanding and implementing high quality social and emotional learning support systems. These resources should provide flexibility to meet individual division needs.

Strategies

- Partner/Collaborate with organizations experienced in implementing successful SEL programs such as CASEL, AASA SEL Cohort, ("AASA: The School Superintendents Association" n.d.) the National Commission on Social, Emotional, and Academic Development (Nation at Hope Report recommendations), (Admin 2017) and the American Institutes for Research ("Center on Great Teachers & Leaders - at American Institutes for Research" n.d.).
- Assist school divisions in identifying and developing partnerships with state and local entities, both public and private, to ensure that high-quality resources, support services and programs are available to aid school divisions in addressing the social and emotional/mental health needs of students both in their school and local community settings.
- Provide competitive grant opportunities that allocate funding for public/private partnerships to promote collaboration and grow the availability of high quality SEL support services provided to all Virginia students, including intervention to provide social and emotional support for students dealing with the traumatic impact of racism and discrimination.

A student's social and emotional development has a long-term impact on their ability to succeed, not only in school, but also in future career and life endeavors.

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Objective 3

By 2021, divisions will be financially incentivized to create a comprehensive, multi-tiered SEL plan that includes public-private partnership and interagency cooperation to enable school divisions to recognize and respond to adverse childhood experiences (ACES) and address student social, emotional and mental health needs.

Strategies

- Identify high quality, effective, school-based SEL programs that can serve as models to aid school divisions in developing their own comprehensive, multi-tiered plan to address the social and emotional/mental health needs of their student population.
- Provide incentive grants to support innovative programs and/or approaches to address differentiated student mental health needs that include support for students dealing with the traumatic impact of racism and discrimination, develop positive behavioral supports and foster the implementation of restorative disciplinary practices and programs.

Objective 4

By 2021, create a statewide training plan for staff, students, and parents including a method for assessing where individual divisions are in the implementation of a multi-tiered system of SEL and supports needed to effectively implement plans.

Strategies

- Conduct an ongoing needs assessment to help school divisions evaluate the progress and effectiveness of their multi-tiered SEL support plan in meeting the SEL/mental health needs of their student population. Use these data to leverage additional resources and funding needed to support student mental health needs.
- The Virginia Department of Education will take the lead in developing online training resources to assist school personnel in recognizing and supporting students who have experienced adverse childhood experiences (ACES) and building a culture of caring in their classrooms and schools.

MEASURES OF SUCCESS

- ✓ Changes in the Standards of Quality (SOQ) staffing formula and funding model that provide greater support and local flexibility for positions that are directly related to student social and emotional well-being.
- ✓ Availability on the Virginia Department of Education website of a statewide repository of best practices and resources foundational to Social and Emotional Learning.
- ✓ Virginia Department of Education-sponsored training provided at multiple locations around the state on strategies to help divisions develop and implement a multi-tiered continuum of scaffolded social and emotional support.
- ✓ Creation of a Virginia Department of Education committee with school division representatives to begin the process of recognizing the proven interdependency of academic success and SEL by integrating SEL instruction into SOL content areas.
- ✓ Increased opportunities for school divisions to apply for grant funding to support innovative approaches and programs to support students' social, emotional, and academic development.
- ✓ Changes in division and regional alternative education programs that demonstrate an increased focus on restorative practices and social and emotional learning.

The research has been so clear that a multitude of professional organizations have included social and emotional learning as a cornerstone of their efforts in addressing inequities.

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ACCOUNTABILITY

Traditional accountability metrics have focused exclusively on standardized, multiple choice testing. After more than a quarter century of high stakes testing, achievement gaps between students within race, ethnic, socio-economic status and special education categories persist. As we envision a new blueprint for the Commonwealth of Virginia, accountability should broaden its scope and seek to measure students on multiple dimensions in order to capture the richness of our diversity. At the same time, our accountability system should focus on the dimensions of human development and growth, in addition to a fixed point of "proficiency."

The new focus on skills and dispositions with Virginia's Profile of a Graduate gives Virginia a unique opportunity to expand the scorecard beyond knowledge to include accountability metrics that take into account skills and career readiness. While we recognize that knowledge is an essential component of schooling, we believe the scope of work in public education must include the holistic human development of our children.

Literacy remains a cornerstone of public education's purpose, however, as we prepare students for a world we cannot fully conceptualize, public education must embrace and be accountable for the development of the whole child. Our graduates need more than knowledge; they must have the skills and dispositions to be self-determined, productive, and culturally fluent adults.

With a broader scope of accountability, we believe more children will be able to demonstrate their strengths. Equitable outcomes will be more evident as we broaden our focus from a knowledge-only priority to a culture that includes other attributes that determine future success.

GOAL

Develop a holistic accountability system that measures knowledge, skills, and dispositions, so that our students are equipped to thrive in a global, ever-changing, and interactive world. The system should also include student growth measures that support a growth mindset for students.

OBJECTIVES AND STRATEGIES

Objective 1

Develop a comprehensive assessment system that accurately measures both student growth and student mastery of key skills identified by the VDOE in the Profile of a Virginia Graduate (i.e., knowledge, skills, and career readiness).

Strategies

- Focus on assessing early literacy to ensure students are kindergarten ready and reading on grade level by the end of grade 3.
- The state assessment system should include both multiple choice and authentic, common, performance-based assessments that accurately measure both knowledge and skills (5 Cs).
- Includes a holistic view of student success in areas such as the fine and performing arts, student leadership, world languages, and workplace readiness, and provide school divisions with the flexibility to use these experiences to meet state requirements.
- Accurately measures student growth in literacy and mathematics in grades 3-8.
- Continue to limit the number of required assessments at the high school level to focus on the most essential measures to determine student college, career, and citizenship readiness.

Objective 2

Create the comprehensive assessment system in a manner that supports student readiness and personalized learning.

Strategies

- Support assessment windows that allow students to participate in assessments when ready rather than waiting for prescribed testing windows.
- Allow students to meet high school requirements early so that they can participate in workplace readiness opportunities (i.e., internships, service projects, practicums).

MEASURE OF SUCCESS

✓ Develop a balanced, comprehensive, and fair system of accountability that is holistic in nature, and improves student outcomes related to academic, social and emotional development, as well as post-secondary and career readiness. Multiple measures should be employed, which allows each student to maximize their potential in order to be successful in a global economy.

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ADDRESSING THE TEACHER SHORTAGE

Virginia school divisions throughout the Commonwealth, regardless of size, rural or urban, or demographics, face a growing shortage of qualified teachers. Teacher shortages have long existed in the state, but the issue has become increasingly severe in the sheer number of unfilled positions, the breadth of subject areas that are hard to staff, and the diversity of teachers relative to the student body. The 2017 Preliminary Report from the Advisory Committee on Teacher Shortage in Virginia reports alarming data on the number of unfilled teacher positions across the state that has increased by 40 percent over the past 10 years (from 760 to 1,080) and has reached crisis proportions in many divisions—especially those with high levels of poverty. For example, two months before the 2017 school year began, the city of Petersburg had 142 unfilled teaching positions out of a total of 400, which equals more than one-third of their professional teaching staff. Additionally, the number of minority teachers has not kept pace with increasingly diverse student populations. Currently, 79 percent of Virginia teachers are white, but non-white students make up 49 percent of Virginia's student population. This disparity is larger than the disparities in the Commonwealth's regional counterparts. ("Preliminary Report from the Advisory Committee on Teacher Shortages" 2017)

Mid-career teachers may switch to new careers as a result of stress, salary considerations, or simply for a new experience. ("Teacher Turnover: Why It Matters and What We Can Do About It" n.d.) Schools of Education show substantial declines in enrollment. The significance of this is on the minds of school boards, superintendents, school administrators, parents, and universities. Shortages are occurring in more subject areas than just mathematics, special education, and career and technical education, which have historically been hard to staff.

GOAL

Ensure all students statewide have access to effective teachers who will prepare them to be citizenship, post-secondary, and workforce ready for their futures.

Today, shortages have also become severe in subjects such as world languages, English as a Second Language (ESL), English, dual enrollment courses and even elementary.

All students deserve to have access to effective teachers. The teacher shortage exists as both a "quantity issue" and a "quality issue." It is an issue of "quantity" because school districts across the Commonwealth struggle to find individuals who meet current licensure requirements to cover classrooms. It is also an issue of "quality" since superintendents are not satisfied with merely filling classrooms with teachers who happen to check the licensure box. They work toward the ideal of having teachers who are knowledgeable, culturally competent, skillful, and passionate about what they teach and whom they teach. They seek dedicated professionals who believe that all students can and will learn and are passionate about their responsibility in ensuring this. Legal, regulatory, and policy barriers to recruiting and retaining effective teachers must be removed. Barriers to hiring teachers (recruitment) and keeping teachers (retention) exist by law, regulation, and policy. Although some steps have been taken to improve the teacher licensure process with respect to reciprocity and provisional licensure, the need still exists for modernization which would hopefully streamline and expedite the process for obtaining licensure.

OBJECTIVES AND STRATEGIES

Objective 1

By 2022, attract an adequate number of qualified and diverse candidates into the teaching profession to appropriately staff positions in every Virginia public school.

Strategies

- Increase teacher pay to correlate with the state's national ranking regarding measures of wealth.
- Expand the eligible participants and increase funding for loan forgiveness programs such as Virginia Teaching Scholarship Loan Program.
- Launch "Virginia is for Teachers" marketing campaign with prospective teachers as the audience.
- Make public aware of the shortage through an information campaign.
- Create public service announcements that promote teaching as a fulfilling career, especially to students of color in Virginia's Historically Black Colleges and Universities (HBCUs).
- Establish a common teacher application across the state.
- Revert back to the VRS Plan 1 Status of the defined benefit model and eliminate the VRS Hybrid Model, which gives less ability to retire after 30 years.

Objective 2

By 2022, attract talented, high-performing, and diverse candidates into the profession.

Strategies

- Increase teacher pay to correlate with the state's national ranking regarding measures of wealth.
- Expand eligible participants and increase

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funding for loan forgiveness programs, such as Virginia Teaching Scholarship Loan Program.

- Launch Virginia is for Teachers marketing campaign with prospective teachers as audience.
- Make public aware of the shortage through an information campaign.
- Emphasize the teaching profession's impact and societal value to attract millennials.
- Identify ways to increase social status of teaching profession.
- Create public service announcements that tout how teaching can be a fulfilling career.
- Market the profession to attract a more diverse workforce being trained through HBCUs (i.e., Hampton University, Virginia State University, Virginia Union, Norfolk State University, and Virginia University in Lynchburg) to better reflect community demographics.

Objective 3

By 2021, create multiple pathways to teacher licensure at the state and local level.

Strategies

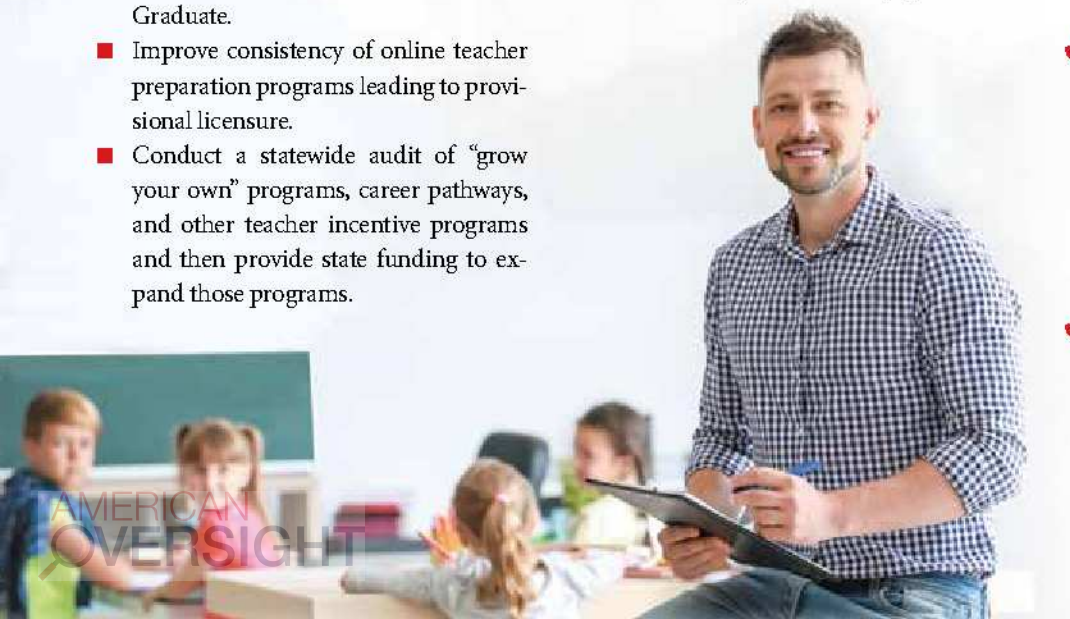
- Provide superintendents/school boards local flexibility to hire teacher candidates through local licensure waivers based upon successful teaching in the first year.
- Improve consistency and quality of pre-service teacher preparation programs and their alignment to Virginia's Profile of an Educator, Classroom and Graduate.
- Improve consistency of online teacher preparation programs leading to provisional licensure.
- Conduct a statewide audit of "grow your own" programs, career pathways, and other teacher incentive programs and then provide state funding to expand those programs.

Objective 4

By 2025, retain no less than 80 percent of quality teachers in the profession after 5 years.

Strategies

- Develop, implement, and monitor a comprehensive, statewide mentorship model that facilitates reflective practice, enhances skills and knowledge, and promotes collaboration and collegiality.
- Offer effective and ongoing professional development that involves teacher collaboration, constructive feedback, universal design for learning, literacy across curriculum, culturally responsive teaching, and promoting student agency.
- Improve working conditions at the classroom and school level (i.e., class size, discipline procedures, behavioral supports, teacher supplies, etc.).
- Provide effective principal leadership grounded in vision, communication, instructional expertise, human resource management, stakeholder engagement, cultural competence, and student achievement.
- Revise the teacher evaluation system to reflect a model of professional growth: reflection, feedback, and revision.
- Research a tiered, compensation system that recognizes instructional mastery, teacher leadership, student growth, and stakeholder engagement.
- Research and implement a differentiated compensation system for localities with high need demographics.



MEASURES OF SUCCESS

- ✓ Average teacher salaries will be at or above the national average by 2022 without requiring a local match. Currently, Virginia ranks 33rd in the nation. (Sarte et al. 2019)
- ✓ Average teacher salaries will reflect the current fiscal capacity of Virginia when compared to other states. (Virginia ranks 18th in "Per capita gross domestic product by state," so the average teacher salary should rank at least 18th in the nation.) (Sarte et al. 2019)
- ✓ Multiple marketing and branding strategies will be used by the Virginia Department of Education to attract an increased quantity and quality of teachers to the Commonwealth, particularly in hard-to-fill positions.
- ✓ Legislation will result in multiple actions to attract and retain teachers including reversion to VRS Plan I in the defined benefits model, loan forgiveness, and local licensure waivers.
- ✓ Implementation of grow-your-own programs will be supported by the Virginia Department of Education and successful programs will be shared with all divisions.
- ✓ Percent of quality teachers retained after 5 years will increase to 80 percent, particularly in divisions with the greatest percentage of hard-to-fill positions and/or low retention rates of novice teachers.
- ✓ Educator preparation programs in Virginia's community colleges and universities will be revised to reflect the practices and pedagogies that are foundational to implementation of the Profiles of a Virginia Graduate, Teacher, Classroom, and Leader.
- ✓ Working conditions data will be collected and used as one indicator to consider in addressing priorities relevant to school staffing.
- ✓ A statewide professional learning process will be implemented to reflect effective and ongoing professional development that involves teacher collaboration, relevant learning, constructive feedback, cultural competence, and opportunities for service to the community and the profession based upon intrinsic beliefs.
- ✓ A tiered compensation plan will address the critical need to provide salaries and benefits that are representative of teaching as a profession for teachers in every school division.

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THE PROFILE OF A VIRGINIA GRADUATE

The adequate and equitable distribution of educational resources in all school divisions is critical to preparing high school graduates to take their place as active participants in a globally driven and increasingly complex technological world. This preparation will not happen by chance. By providing effective and relevant learning in the classroom, the workplace, and the community, Virginia will ensure the potential of all students to be successful after they graduate from high school.

According to the Virginia Chamber of Commerce, "The availability of a well-trained and educated workforce remains the top concern for Virginia's business community, and with good reason. Companies need people with the right skills to help them grow, thrive, and prosper. Over the next eight years, Virginia can build its supply of talent through a deliberate focus on creating closer connections to the business community and jobs throughout its education system. These connection points include work-based learning experiences, the development of career exploration tools, and business involvement in the design of education and training programs." ("Blueprint VA 2025" 2017)

In the Virginia Chamber of Commerce Blueprint Virginia 2025, a Key Priority was established to address that "Less than half of high school students, only 45 percent, felt positively about their college and career readiness." ("Blueprint VA 2025" 2017) Youth Truth, a National Non-profit, National Student Survey reported: "Virginia's educational attainment is slightly above the national average in terms of individuals with a high school education ("Youth Truth Student Survey" n.d.). In 2015, Virginia ranked 28th in the nation for the percentage of its adult population (25 years or older) with at least a high school education" ("Virginia Performs: Measuring What Matters to Virginians" 2016).

GOAL

All Virginia school divisions will ensure that Virginia graduates will leave school "life ready" and prepared for lifelong success by: Achieving and applying academic and technical knowledge; Demonstrating workplace skills, qualities, and behaviors; Building connections and valuing interactions with others as a responsible and responsive global citizen; and Aligning knowledge, skills, and personal interests with career opportunities.

Recent data on student engagement in schools reported by Gallup, shows that students' self-reporting of disengagement in school is at its lowest in elementary school (25 percent) and highest in high school (77 percent) (Hodges 2018). Even more disturbing are the Gallup data on teacher engagement that shows teachers report a high level of disengagement themselves (69 percent). (Hastings and Agrawal 2015)

The Profile of a Virginia Graduate can only be attained by students in our schools through a substantive increase in active engagement among students and teachers. This begins with the commitment of leaders in our schools, communities, and government to supporting the changes essential to creating challenging, interesting, and relevant learning experiences and use of instructional practices and assessments that actively engage learners in problems and projects that are relevant, matter and make sense to them.

OBJECTIVES AND STRATEGIES

Objective 1

Through partnerships with the Virginia Board of Education, the Virginia General Assembly, local school divisions, and institutions of higher education, curriculum and instruction will be aligned with the Profile of a Virginia Graduate to ensure the 5 Cs (Critical Thinking, Creative Thinking, Citizenship, Communication and Collaboration) are embedded in K-12 curriculum.

Strategies

- Ensure that the 5 Cs will be embedded in the state Standards of Learning when they are reviewed and updated at the state level (Virginia Board of Education).
- Assist divisions to unpack curriculum, provide pacing guides, promote collaboration among teachers (Virginia Department of Education), and develop non-standardized, alternative assessments to measure the success of the 5 Cs.
- Ensure funding is provided for resources needed by all students to facilitate the work in the area of curriculum and instruction in support of the Profile of a Graduate (Virginia Department of Education).
- Build partnerships with the Virginia Department of Education, professional organizations, business, and industry to assist in professional development.
- Identify and implement best practices (school divisions).
- Provide high quality professional development that is relevant, meaningful, timely, applicable and that benefits cultural competence (Virginia Department of Education and school divisions).
- Establish a culturally responsive frame-

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work to inform curricular and instructional efforts across Virginia, and include professional learning to support the use of the framework.

Objective 2

By 2021, the Commonwealth's educators will understand and apply knowledge and skills necessary to innovate and conduct school/division redesign work successfully.

Strategies

- Deregulate requirements from the Virginia Board of Education and the Virginia Department of Education to allow for innovation that supports variability in learning time, assessments, and modes of instruction to capitalize on student learning differences.
- Advocate for the human and financial resources necessary to ensure ideal learning environments that include optimal class size, highly qualified personnel, adequate resources, modernized facilities, transportation, and other operational items that impact learning.
- Advocate for equitable implementation of technological advances across the Commonwealth to include funds for technology to support contemporary student learning in formal and informal settings, develop partnerships in rural areas to increase access to broadband and eliminate the growing digital divide.
- Provide training in skills and knowledge development necessary for division administrators and teachers to reimagine learning outcomes, programs, and coursework consistent with competencies that are foundational to the Profile of a Virginia Graduate by increasing student and teacher engagement, deeper learning, and equity of access for all students to rich, challenging learning experiences.

Objective 3

By 2021, create a wide variety of opportunities for all students to acquire workplace skills and work-related experiences.

Strategies

- Create a marketing plan template for divisions to use to engage local business, industry, the public sector and non-profits to create internships, externships, shadowing experiences, and other work-related experiences for all students.
- Develop internship coordinators and career connection coaches in school divisions to create networks and secure placements.
- Design and develop a teacher candidate program within all school divisions.
- Expect business, industry, and public sector to partner with local school divisions to develop work-related experiences.

Objective 4

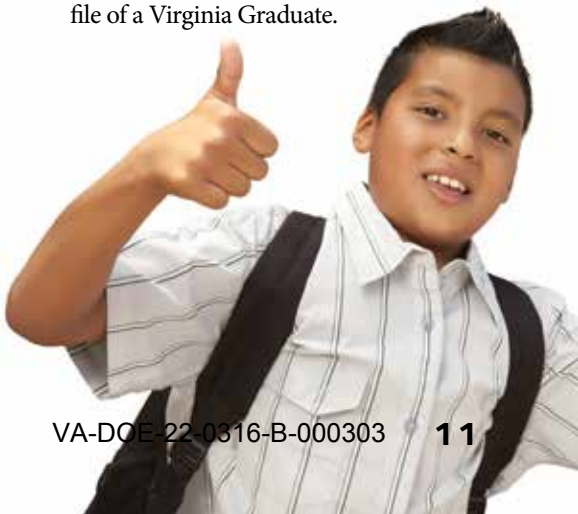
By 2021, the Virginia Department of Education will develop and provide a variety of measures to assess and monitor the initiatives detailed within the Profile of a Virginia Graduate.

Strategy

- The Virginia Department of Education will convene a diverse team of educators in partnership with state educational organizations to develop benchmarks for use by divisions to assess and monitor the impact of initiatives embedded in the Profile of a Virginia graduate.

MEASURES OF SUCCESS

- ✓ The Profile of a Virginia Graduate competencies will be integrated and aligned throughout the K-12 Standards of Learning as SOLs are revised as scheduled by the Virginia Department of Education.
- ✓ Regional professional learning conferences to support division staff will be planned, scheduled, funded, and implemented, 1) so that instructional resources can be designed and shared to align local curriculum, assessment, and instruction with revised SOLs and 2) to identify, reinforce, and model best practices for implementation of the Profile of the Graduate, Teacher, Classroom, and Leader.
- ✓ Partnerships will be developed with associations, local community businesses, corporations, and the Virginia Department of Education so that formal and informal professional learning and development will be available to ensure educators develop deep understanding of changing workforce and community needs that are addressed through the Profile of a Virginia Graduate (i.e., tech tours, teacher internships, etc.)
- ✓ Use the School Divisions of Innovation model (Soifer 2017) division site visits, and partnerships of associations, higher education, businesses, and agencies to create and support local innovations designed to change structures, personnel use, curriculum, assessment, and instructional practices that support work-based competency development, knowledge acquisition, and how-to-learn skills essential to lifelong learning, citizenship, cultural competence, and an evolving workforce.
- ✓ Equitable funding sources will ensure each division has the technology and technology support, including staff and infrastructure, to provide and ensure local access for all educators and students to accomplish learning tasks in their schools and communities.
- ✓ Ensure state and local funding that improves divisions' workforce conditions and learning options and experiences so that all students have access to ideal learning environments regardless of the school they attend.
- ✓ Each division will have the resources they need to implement a marketing plan essential to building local support and implementation of work-based experiences.
- ✓ Fund additional SOQ staffing to coordinate career and work-based experiences and create opportunities for students that include career coaching that is not but not limited to a future teacher candidate program in schools.
- ✓ Teams of educators convene and produce benchmarks to assess and monitor initiatives essential to implementing the Profile of a Virginia Graduate.



AMERICAN OVERSIGHT

FUNDING PUBLIC EDUCATION

Perhaps no issue strikes at the heart of equity more than the funding of public education. VASS believes that the most significant concern is the overall amount of state funding made available to school divisions. Specifically, the funding that is made available to PK-12 public education by Virginia is well below the actual investment in the children by localities. Appropriate funding for public education has been discussed for the better part of 40 years and has yet to be adequately addressed.

The true "cost" of investing in the children who reside in communities throughout the Commonwealth is reflected in the total investment made by both localities and the state. While some localities have the revenue capacity to fund above the Required Local Effort and Required Local Match, either the funding for the Standards of Quality is inadequate or the Standards of Quality are set too low. In particular, state funding to divisions over time has never recovered from the Recession of 2009. (Lanza 2019)

While funding issues may be portrayed as being a "large, urban" or "small, rural" issue, the overall amount of funding from the state is the most significant challenge. With the current formula, the division's enrollment has little to do with the amount of support that is provided per pupil from the state. However, the amount that is budgeted for PK-12 public education and the corresponding SOQ calculations have the most dramatic impact.

GOAL

Funding for public education in Virginia should be adequate to ensure that every student in the Commonwealth, regardless of jurisdiction, has the opportunity to become a high-achieving and high-performing citizen who contributes to the community and the workforce of the 21st century.

OBJECTIVES AND STRATEGIES

Objective 1

By 2022, funding for teacher compensation in Virginia should place teachers at the national average.

Strategies

- Increase the average teacher salary to the national average by 2022 without requiring a local match. Currently, Virginia ranks 33rd in the nation. (Sarte et al. 2019)
- By 2024, the average teacher salaries will reflect the current fiscal capacity of Virginia when compared to other states. That is, since Virginia ranks 18th in "Per capita gross domestic product by state," then the average teacher salary should rank at least 18th in the nation. (Sarte et al. 2019)
- Develop an aligned communication strategy with other advocacy groups that support public education (e.g., Virginia Public Education Coalition (VPEC), which represents 14 different education groups) to garner public support for funding PK-12 education. This strategy should include the use of personal stories and related data representing why this objective and strategies are essential at classroom, division, regional, and state levels.

Objective 2

By 2021, increase overall funding for PK-12 public education without requiring a local match.

Strategy

- Partner with VACo and VML to ensure the General Assembly authorizes and funds an independent Educational Adequacy Study to determine the appropriate level of resources needed for school divisions to meet state accountability

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requirements. The study should examine particular challenges for schools, such as the effect of concentrations of poverty, demographic changes, accelerated growth and declining enrollments, and identify funding required to meet the Standards of Learning, Standards of Accreditation, and Standards of Quality.

Objective 3

By 2022, eliminate the support staff cap and increase the SOQ ratios of support staff per teacher to improve services to all students without requiring a local funding match.

Strategy

- Use results from the Educational Adequacy Study to determine and fund the appropriate ratio of support staff needed to provide services so that all PK-12 students achieve learning success as evidenced by attendance, academic achievement, social and emotional development, and Profile of a Virginia Graduate competencies.

Objective 4

By 2023, fund all state Basic Aid at or above pre-recession levels and provide full utilization of Lottery Fund proceeds without supplanting other state funding. ("JLARC, State Spending and K-12 Standards of Quality" n.d.)

Strategies

- Adjust state funding formulas to reflect actual annual inflation rate.
- Restore the use of Lottery Fund proceeds as supplemental without supplanting state funding and relieving the state government of its responsibility to appropriately fund public education (i.e., at the time of this report, 60 percent of lottery funding is being used to supplant various state categorical funding).
- Use the Educational Advocacy Study to determine state funds that each division should currently receive, if adjusted annually for inflation, using funding formulas to ensure local funding at or above pre-recession levels accounting, and for increased services mandated by legislation and regulation.

Objective 5

Restore and provide state funding for facility/infrastructure to ensure that all students have access to modern facilities and infrastructure, regardless of each locality's ability to pay.

Strategies

- Fund the Virginia Public School Construction Grants Program consistent with Code of Virginia § 22.1-175.1
- Develop new partnerships to provide alternative funding sources essential to modernizing and renovating school facilities to more intentionally support the contemporary learning experiences that align with students' development of Profile of a Virginia Graduate competencies.

Objective 6

Increase At-Risk Add-On funding and allow greater local flexibility in determining how to maximize the use of these funds to ensure all students are successful in school by any accountability measure.

Strategies

- Increase the funding cap to a minimum of 16 percent for the At-Risk Add-On which is currently at 14.5 percent (19-20) so that divisions with significant poverty, or a low composite index, or less ability to fund education receive increased funding to support and align programs, staffing, local innovation initiatives that address student achievement, implementation of the Profile of a Virginia Graduate, and work-force needs in those divisions.
- Determine how to modify regulations that direct use of At-Risk Add-On funds to provide increased flexibility in use of funds by divisions.

MEASURES OF SUCCESS

- ✓ Meet stated benchmarks for teacher compensation based on national measures including state salary rankings and per capita gross domestic product by state.
- ✓ Use of partnership communication plan and strategies that result in full public support for increased state funding for PK-12 education needs as identified in this *Blueprint for Equity in Virginia's Public Schools.*
- ✓ An independent Education Adequacy Study is completed and report recommendations are used to inform legislators, the Virginia Board of Education, local School Boards, business partners, and communities across Virginia for the resources needed to identify current educational challenges and address those challenges with provision of the resources necessary to ensure equity and access to the best learning experiences possible, regardless of where a student lives or his/her own personal circumstances.
- ✓ The SOQ support staff positions and ratios are funded and increase to fully support the needs of 1) diverse schools 2) all PK-12 students and 3) the contemporary learning practices and program options essential to implementing the Profile of a Virginia Graduate in every division.
- ✓ Every school division receives funding from the state and other partnerships necessary to modernize, build, and renovate school facilities so that PK-12 contemporary learning practices and initiatives can be developed to support implementation of the Profile of a Virginia Graduate.
- ✓ Increased state funding is made available to divisions with challenges of significant poverty, or a low composite index, or insufficient local funds to adequately provide facilities, staff, and services to all students.
- ✓ Regulations are modified to allow the use of At-Risk Add-On funds to increase local flexibility in order to more effectively meet learning needs.

AMERICAN OVERSIGHT

THE CALL FOR CHANGE

> ***We are in the business of unfolding the unique human potential of every child.***
>
> —Virginia Association of School Superintendents

Virginia is a national leader in implementing educational innovation critical to all students receiving not just an adequate education but one that is best in class. The Virginia Association of School Superintendents has established a successful track record in its work as a key advocacy leader with the General Assembly and the Virginia Department of Education to obtain and direct resources so that schools across the Commonwealth will meet the high expectations that the public holds for Virginia's PK-12 schools and their graduates.

In the first *VASS Blueprint for the Future of Public Education (2011)*, superintendents defined key changes they believed were critical to advancing student learning with emphasis on integration of performance competencies, multiple means of assessment, and a focus on grade appropriate career development experiences that serve to prepare students for a globally competitive market. VASS leaders were instrumental members of the Governor's Standards of Learning Innovation Committee in bringing forward recommendations for changes in state assessments that were implemented through legislative action by the General Assembly. In 2015, the SOL Innovation Committee recommended development of the Profile of a Virginia Graduate and that recommendation was legislated into action and further developed by the Virginia Board of Education.

The New Blueprint for the Future of Public Education was released in 2015 by VASS with a focus on advocacy to the General Assembly to fully fund the state's share of the standards that the General Assembly uses to define the quality of education – the Virginia Standards of Quality or SOQ. The 2015 Blueprint also emphasized increased flexibility in local decision-making about seat-time, test administration, and alternative pathways to verify credits.

In this latest iteration, a *Blueprint for Equity,* superintendents articulate a "Call for Change" as a vision of equity that incorporates advocacy for resources necessary to ensure that our youngest learners in pre-school to our seniors in high school all participate in rich, challenging learning experiences, in ideal learning environments, taught by excellent, engaged educators.

However, VASS members know this alone is not enough to sustain the momentum of Virginia's evolving culture of educational innovation and commitment to equity.

Teachers must have access to exemplary professional development opportunities, competitive pay, and a variety of tools and resources to level the learning playing field for every student enrolled in Virginia's public schools.

Divisions with extensive challenges must receive the funding and resources they need so their students are not denied the educational opportunities available to peers in more privileged zip codes.

Students must receive the adult support they need to find personal pathways to social, emotional, and academic development and success.

The partnerships forged through implementation of the goals, objectives, and strategies in the Blueprint for Equity will ensure that Virginia is for Learners, all learners, no matter where they live or the circumstances of their lives. "What the best and wisest parent wants for their child, that must we want for all the children of the community. Anything less is unlovely, and left unchecked, destroys our democracy" (Dewey).

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000306

BLUEPRINT FOR ACHIEVING EQUITY SOURCES

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The partnerships forged through
implementation of the goals,
objectives and strategies
in this Blueprint for Equity
will ensure that

VIRGINIA IS FOR LEARNERS,

all learners,
no matter where they live
or the circumstances of their lives.

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AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000308

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:18 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:39 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Maggie Reeder-Thornton, for which our **final deadline for response is this Friday, 2/18** (the request is also cut and pasted directly below).

> "I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 2:25 PM
Subject: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Maggie Reeder-Thornton** <margaret.e.thornton@gmail.com>
Date: Thu, Feb 3, 2022 at 2:48 PM
Subject: Re: FOIA Request
To: FOIA, rr <foia@doe.virginia.gov>

Absolutely! I'd like to have emails from January 21, 2022 through February 2, 2022.

With gratitude,
Maggie

--
Maggie Reeder-Thornton, Ph.D.
Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
she/her/hers (What is this?)

On Thu, Feb 3, 2022 at 2:44 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> Good afternoon, Dr. Reeder-Thornton:
>
> Upon closer review of your request, are you able to confirm the intended date range for this request?
>
> I appreciate your help.
>
> Best regards,
> Rebecca Westfall

On Wed, Feb 2, 2022 at 5:14 PM Maggie Reeder-Thornton <margaret.e.thornton@gmail.com> wrote:
> Thank you so much!

On Wed, Feb 2, 2022 at 5:13 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> Good evening, Dr. Reeder-Thornton:
>
> I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. Please be advised that we will notify you in advance should we anticipate a cost associated with this request.
>
> Have a good evening.
>
> Best regards,
> Rebecca Westfall

On Wed, Feb 2, 2022 at 3:38 PM Maggie Reeder-Thornton <margaret.e.thornton@gmail.com> wrote:
> Hello!
>
> I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
>
> With thanks,
> Margaret Thornton
> 332 10 1/2 St. NW
> Charlottesville, VA 22903
> --
> Maggie Reeder-Thornton, Ph.D.
> Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
> she/her/hers (What is this?)
> --

AMERICAN OVERSIGHT

--
Maggie Reeder-Thornton, Ph.D.
Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
she/her/hers (What is this?)

--

Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:06 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:37 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Hi, Dicky:

Thank you for taking time out of your busy schedule to meet with us this morning. As requested, cut and pasted below is the pending FOIA request from David Walrod, for which an extension has already been invoked (**final deadline for response is this Friday, 2/18**). Of note, this request was also submitted directly to the FOIA email account for the Governor's Office.

> "On January 24, 2022, Governor Youngkin announced on conservative radio his intention to set up an email address intended to report schools or teachers for "inherently divisive practices." This email has since been announced publicly. I would like to request copies of any emails sent or received by the email address, helpeducation@governor.virginia.gov, as well as any internal VDOE paperwork related to this email address."

Best,
Rebecca W.

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 2:27 PM
Subject: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **David Walrod** <dpwalrodfcft@gmail.com>
Date: Wed, Feb 2, 2022 at 4:41 PM
Subject: Re: FOIA request: Records related to Governor's tip line
To: FOIA, rr <foia@doe.virginia.gov>

My address is:
451 Malvern Lakes Circle, Apt 104
Fredericksburg, VA 22406

On Wed, Feb 2, 2022 at 3:20 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> Good afternoon, Mr. Walrod:
>
> I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
>
> Have a good evening.
>
> Best regards,
> Rebecca Westfall
>
> On Wed, Feb 2, 2022 at 3:04 PM David Walrod <dpwalrodfcft@gmail.com> wrote:
> > On January 24, 2022, Governor Youngkin announced on conservative radio his intention to set up an email address intended to report schools or teachers for "inherently divisive practices." This email has since been announced publicly. I would like to request copies of any emails sent or received by the email address, helpeducation@governor.virginia.gov, as well as any internal VDOE paperwork related to this email address.
> >
> > David Walrod

--

Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
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804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:25 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:41 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Tim Thornton,which is identical to the request that I just forwarded you from Maggie Reeder-Thornton. **Our final deadline for response is this Friday, 2/18** (the request is also cut and pasted directly below).

> "I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:55 PM
Subject: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **tim thornton** <timothywthornton@gmail.com>
Date: Thu, Feb 3, 2022 at 3:53 PM
Subject: Re: FOIA request
To: FOIA, rr <foia@doe.virginia.gov>

My apologies, Ms. Westfall.
I'd like to have emails from January 21, 2022 through February 2, 2022, please.

Thank you,

Tim Thornton

Sent from my iPhone

> On Feb 3, 2022, at 2:47 PM, FOIA, rr <foia@doe.virginia.gov> wrote:
>
> Good afternoon, Mr. Thornton:
>
> Upon closer review of your request, are you able to confirm the intended date range for this request?
>
> I appreciate your help.
>
> Best regards,
> Rebecca Westfall
>
> On Wed, Feb 2, 2022 at 8:23 PM tim thornton <timothywthornton@gmail.com> wrote:
> > Thank you, Ms. Westfall.
> >
> > Sent from my iPhone
> >
> > > On Feb 2, 2022, at 5:16 PM, FOIA, rr <foia@doe.virginia.gov> wrote:
> > >
> > > Good evening, Mr. Thornton:
> > >
> > > I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. Please be advised that we will notify you in advance should we anticipate a cost associated with this request.
> > >
> > > Have a good evening.
> > >
> > > Best regards,
> > > Rebecca Westfall
> > >
> > > On Wed, Feb 2, 2022 at 4:55 PM tim thornton <timothywthornton@gmail.com> wrote:
> > > > Hello!
> > > >
> > > > I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
> > > >
> > > > With thanks,
> > > > Tim Thornton
> > > > 3760 Oldtown Road
> > > > Shawsville, VA 24162
> > > > Sent from my iPhone

AMERICAN OVERSIGHT

Sent from my iPhone

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:44 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:45 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Tim Hickey, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "I request all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:28 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Tim Hickey** <timhickeyteacher@gmail.com>
Date: Thu, Feb 3, 2022 at 10:55 AM
Subject: Re: FOIA Request
To: <foia@doe.virginia.gov>

Thank you for clarifying. In that case, I request all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov. Thank you.

On Thu, Feb 3, 2022 at 10:08 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, Mr. Hickey:
>
> I hope this message finds you well. I am writing in response to your Virginia FOIA request below for copies of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation through yesterday. Please be advised that this email account is maintained by the Office of the Governor, not the Virginia Department of Education. Accordingly, please direct this request to the Office of the Governor (please see their contact information below).
>
> **BY EMAIL**
> FOIA@governor.virginia.gov with the phrase "FOIA Request" included in the subject line of the email.
>
> **BY MAIL**
> Office of the Governor
> Patrick Henry Building
> 1111 East Broad Street
> Richmond, Virginia 23219
>
> **BY PHONE**
> 804-786-2211
>
> **BY FAX**
> 804-786-3985
>
> I hope you have a great rest of the week.
>
> Best regards,
> Rebecca Westfall

On Wed, Feb 2, 2022 at 5:26 PM Tim Hickey <timhickeyteacher@gmail.com> wrote:

> Good evening. Pursuant to VA Code Section 2.2-3704, please send me a copy of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation to today. An electronic copy (e.g. PDF, will suffice).
>
> Thank you.
>
> Tim Hickey
> (434)566-3382

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:33 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:43 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Matthew Sommer, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.
>
> Regarding:
>
> The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH"

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:25 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Matthew Sommer** <matthew.john.sommer@gmail.com>
Date: Wed, Feb 2, 2022 at 10:26 PM
Subject: FOIA Request
To: <foia@doe.virginia.gov>

Hello,

Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.

Regarding:

The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH

Please let me know if there is any expected charge.

I am willing to accept this request digitally.

Thank You,
Matthew Sommer

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:50 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:49 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Ryan Miller with USA Today, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

- "Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request

- Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all, between January 15, 2022 and February 3, 2022

- Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all (between January 15th and February 3, 2022)."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:31 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Miller, Ryan** <rwmiller@usatoday.com>
Date: Fri, Feb 4, 2022 at 8:41 AM
Subject: RE: USA TODAY FOIA request VDOE 2.3.22
To: FOIA, rr <foia@doe.virginia.gov>

Hi Rebecca,

Thanks for getting back to me.

With "other personnel," I guess that wouldn't include anyone more than those employed by VDOE. I just wanted to include that term if there was a VDOE employee maybe not considered "staff" (ie part vs full time, etc.).

On the intended date range for bullets two and three, that should be the same as the date range for bullet one: "Between January 15, 2022, and the receipt of this public records request"

Thanks!

Ryan

From: FOIA, rr <foia@doe.virginia.gov>
Sent: Thursday, February 3, 2022 4:54 PM
To: Miller, Ryan <rwmiller@usatoday.com>
Subject: Re: USA TODAY FOIA request VDOE 2.3.22

AMERICAN OVERSIGHT

Good afternoon, Mr. Miller:

I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. Please be advised that our office is still reviewing your request, and we will notify you in advance should we anticipate a cost associated with producing any responsive records.

Upon a cursory review of your request, are you able to confirm the intended meaning of "and/or other personnel" referenced in the first bulleted item? Are you also able to confirm the intended date range for the records requested in the second and third portions of your request?

I appreciate your help. Have a good evening.

Best regards,
Rebecca Westfall

On Thu, Feb 3, 2022 at 12:12 PM Miller, Ryan <rwmiller@usatoday.com> wrote:

> Hi Ms. Askew,
>
> Please see the attached PDF for my FOIA request. In brief, the request is seeking:
>
> - Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request
>
> - Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all
>
> - Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all
>
> Please let me know if you have any questions or concerns regard this request.
>
> Thanks,
>
> **Ryan Miller**
>
> Reporter, USA TODAY
>
> Cell: (443) 990-1164
>
> Twitter: @RyanW_Miller

--

Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:58 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

Attachments: Outlook-1rvbmoep.png

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:51 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Adrienne Mayfield with WAVY, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.
>
> I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:32 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
Date: Thu, Feb 3, 2022 at 4:17 PM
Subject: Re: FOIA request
To: FOIA, rr <foia@doe.virginia.gov>

Good afternoon Rebecca,

The time range is Jan. 15, 2022 to Feb. 3, 2022.

Best,
Adrienne

From: FOIA, rr <foia@doe.virginia.gov>
Sent: Thursday, February 3, 2022 1:40 PM
To: Adrienne Mayfield <Adrienne.Mayfield@wavy.com>
Subject: Re: FOIA request

Good afternoon:

I hope this message finds you well. Mr. Pyle forwarded me your Virginia FOIA request below. By way introduction, my name is Rebecca Westfall and I am the Agency Compliance and FOIA Specialist with VDOE's Office of Policy. We kindly request that you please confirm the intended date range for this request. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.

Have a great afternoon.

Best regards,
Rebecca Westfall

---------- Forwarded message ---------
From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
Date: Thu, Feb 3, 2022 at 10:45 AM
Subject: FOIA request
To: Charles.Pyle@doe.virginia.gov <charles.pyle@doe.virginia.gov>
Cc: Jon Dowding <Jon.Dowding@wavy.com>

Good morning,

I am making a request under the Freedom of Information Act.

I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.

I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line.

I am requesting that your office waive any fees associated with this request; however, if you choose to charge for this request, I would like an estimated cost ahead of its fulfillment.

Thank you,

Adrienne Mayfield
Executive Producer of Investigations and Special Projects
WAVY-TV 10/WVBT FOX43
300 WAVY Street
Portsmouth, VA 23704
757-673-5425 Office

AMERICAN OVERSIGHT

adrienne.mayfield@wavy.com

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REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:14:04 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:53 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Katherine Knott with The Daily Progress, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:37 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Katherine Knott** <kknott@dailyprogress.com>
Date: Wed, Feb 2, 2022 at 9:40 PM
Subject: FOIA Request Feb. 2, 2022
To: foia@doe.virginia.gov <foia@doe.virginia.gov>

Feb. 2, 2022?

Dear Rebecca Askew,

Under the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 and following, I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2.

?If you determine that only portions of a file are exempted from release, I request that I be provided with all non-exempt portions or redacted versions as well as the specific exemption you are citing. I reserve my right to object to any withholding or deletion of information.

Please provide an estimate of costs prior to meeting my request.

If you have any questions concerning this request, please call me at (434) 422-7298.

I look forward to your response within five days as provided by the Act.

Sincerely,

Katherine Knott?

Katherine Knott
K-12 Reporter | The Daily Progress
O: (434) 978-7263 | M: (434) 422-7398
kknott@dailyprogress.com | www.dailyprogress.com<http://www.dailyprogress.com>

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Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/16/2022 6:40:06 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: VDOE SEL site info we discussed

Attachments: image1.jpeg , image0.jpeg , image9.jpeg , image8.jpeg , image5.jpeg , image18.jpeg , image20.jpeg , image26.jpeg , image2.jpeg , image19.jpeg , image23.jpeg , image10.jpeg , image22.jpeg , image7.jpeg , image24.jpeg , image1[15].jpeg , image3.jpeg , image21.jpeg , image4.jpeg , image0[19].jpeg , image17.jpeg , image25.jpeg , image6.jpeg , image11.jpeg

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---------- Forwarded message ---------
From: **Anne Taydus** <anneelizabethcraft@yahoo.com>
Date: Wed, Mar 16, 2022 at 6:13 PM
Subject: Fwd: VDOE SEL site info we discussed
To: <superintendent@doe.virginia.gov>
CC: <elizabeth.schultz@doe.virginia.gov>

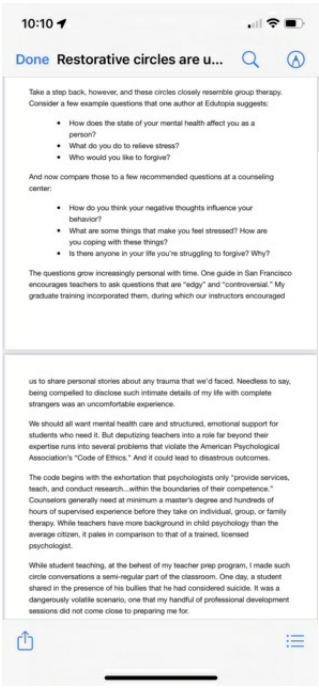
Download full resolution images
Available until Apr 15, 2022

Dr. Ballow
I sent this to Elizabeth Schultz per a conversation we had regarding the major issues with the VDOE SEL since the Governors divisive concept guidance is in direct conflict with the use of CASEL and almost every link on the VDOE site.

I will be speaking tomorrow at the meeting along with many of our board members

Thank you!
Anne Taydus
VP strategy and Advocacy
Virginians for Children First
804.332.9939

https://form.jotform.com/220708695150052



https://form.jotform.com/220708695150052

Sent from my iPhone

Begin forwarded message:

From: Anne Taydus <anneelizabethcraft@yahoo.com>
Date: March 16, 2022 at 5:31:50 PM EDT
To: elizabeth.schultz@doe.virginia.gov
Subject: VDOE SEL site info we discussed

Download full resolution images
Available until Apr 15, 2022

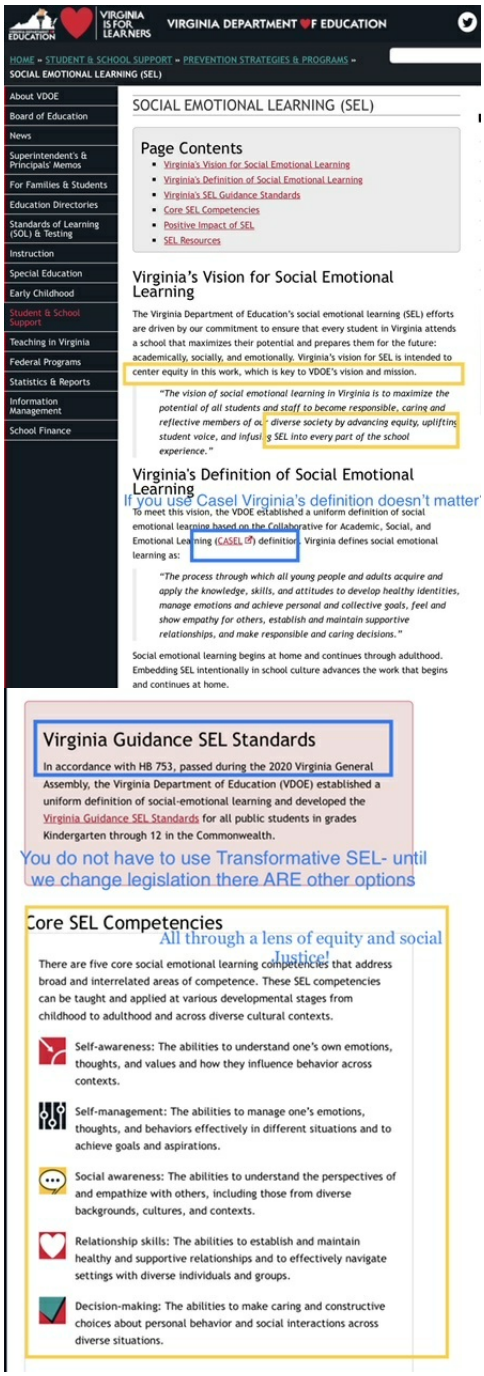
Ms. Schultz, I hope Chesterfield is treating you well! I put the jotform together if you would like the links. I told the team to grant you access. I put them all there specifically for you. So here is a copy of the link so you can have access to them. I was going to put a an entire presentation together on PowerPoint for tomorrow but developing a non profit and yesterday's sexual assault at a Thomas Dale high school have been at the top of my list

So unfortunately I have a million pieces I was going to put into a power point but with it being the end of Wednesday I wanted to get them at least sent out separately together for you. The screenshots are the extremely problematic areas.

AMERICAN OVERSIGHT

The videos are from the links on the VDOE SEL site as are the documents

If you have questions my cell is 8043329939
And I will be there to speak in the morning.
Anne Taydus



AMERICAN OVERSIGHT

As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

CASEL's Definition of SEL (2020 Update):

"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

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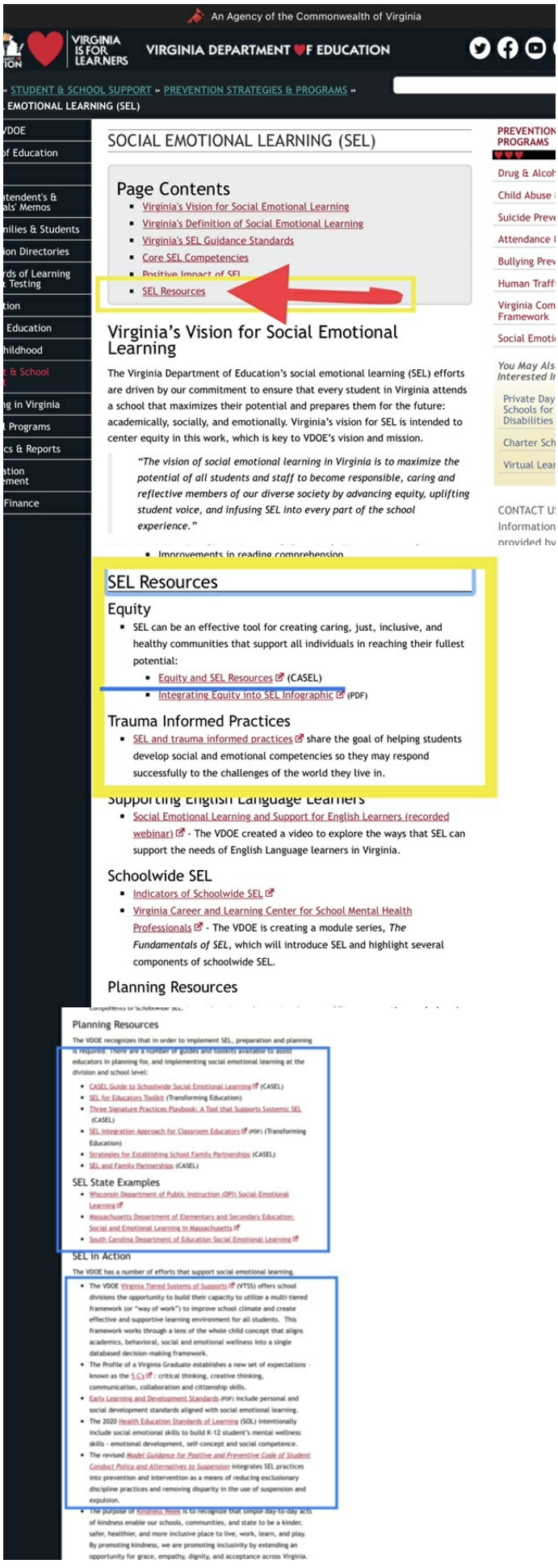

AMERICAN OVERSIGHT

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS

The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

A Systemic Approach to SEL Implementation

As exemplified by CASEL's infographic (© CASEL., All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community partnerships.

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

7:54

Social Emotional Wellness Quick Guides

information and resources for school communities.

Considerations for Teachers and School Staff (PDF)

Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)

Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)

Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

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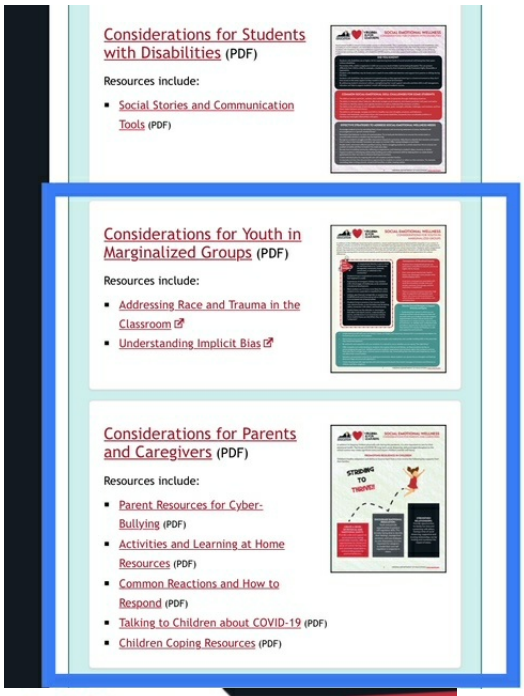

Considerations for Students with Disabilities (PDF)

Resources include:

- Social Stories and Communication Tools (PDF)

Considerations for Youth in Marginalized Groups (PDF)

Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias

Considerations for Parents and Caregivers (PDF)

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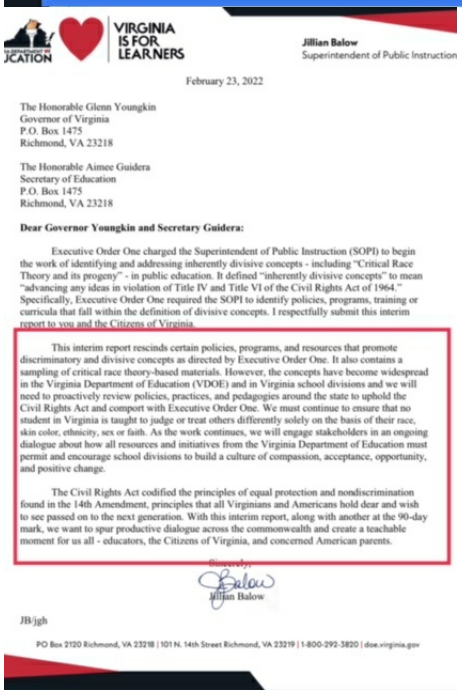

VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

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Culturally Responsive and Inclusive Practice

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> *The cultural competence of adults is intimately connected to the achievement of students.*
> *Gary R. Howard*

practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for **Increasing the Cultural Competency of Virginia's Educator Workforce**:

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

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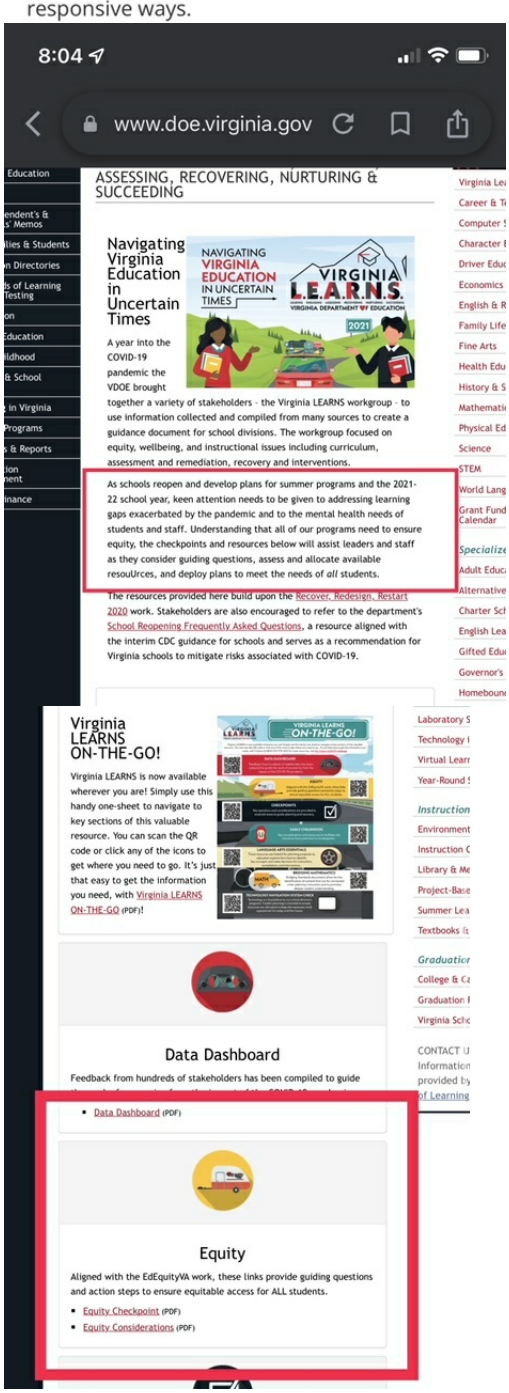
are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.
-Model high expectations for all students.
-Promote respect for student differences.
-Recognize and redress bias in the system.
-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.
-Are change agents for social justice and academic equity.
-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.
-Engage in reflection of their beliefs, behaviors and practices.
-Communicate in linguistically and culturally responsive ways.



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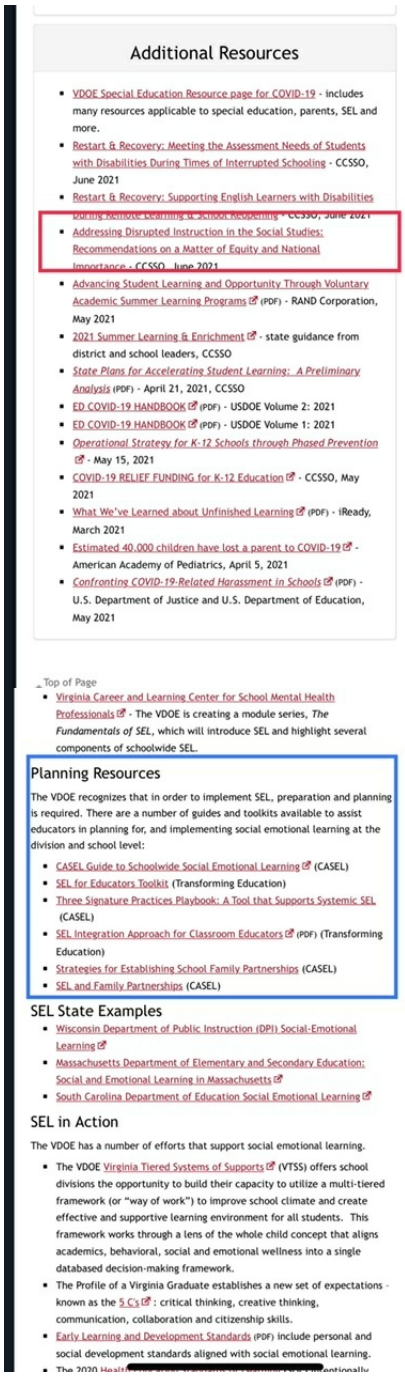

Additional Resources

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- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's: critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 [redacted]

https://youtu.be/-E-Up9_mOW4 SEL equity

https://youtu.be/b0hbELlHkUs. Reading. Casel

https://youtu.be/dlpeymIXuIE. Data science

https://youtu.be/ye80s0SJHqQ - sel support. Ideas. Equity driven.

https://youtu.be/5XWGp5EJDyw Culturally relevant advisory committee
https://youtu.be/RkDMOdZhaK4

Vdoe pbs source social awareness https://www.pbslearningmedia.org/resource/social-awareness-social-emotional-learning/social-emotional-learning-video/

Relationship skills https://www.pbslearningmedia.org/resource/relationship-skills-social-emotional-learning/social-emotional-learning-video/

Positive impact if SEL per VDOE -> CASEL
https://casel.org/fundamentals-of-sel/what-does-the-research-say/

Vdoe SEL and equity. https://ies.ed.gov/ncee/edlabs/infographics/pdf/REL_MW_Integrating_a_Focus_on_Equity_into_Social_and_Emotional_Learning.pdf

Casel SEL equity https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/

Casel. SEL equity fighting racism https://youtu.be/UPWrnBA2274
https://youtu.be/DPFMfultXSY
https://youtu.be/m3yHe45dipA
https://youtu.be/JphZpROqUsw

Urgency for equity CASEL https://youtu.be/R5XsfrWwCsc

Trauma SEL. https://youtu.be/-LsceUH3i0o

Casel. SEL and equity https://schoolguide.casel.org/what-is-sel/equity-and-sel/

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Transforming identity https://youtu.be/PpsswKB269U

5cs
http://www.virginiaisforlearners.virginia.gov/media-library/

https://youtu.be/f4JUFe5wblo
Critical thinking. https://youtu.be/lhNnactbvUU

Vdoe data dashboard https://www.doe.virginia.gov/instruction/learns/virginia-learns.pdf#page=8

SEL resource library https://padlet.com/sarah_bazemore1/VAis4SEL

WHAT SEL DOES TO CHILDREN
https://youtu.be/lDtGw8Ss-VA

Why SEL must be in all schools https://www.lessonsforsel.com/post/why-every-school-must-have-a-social-emotional-learning-plan-prior-to-reopening

Responsive classroom https://youtube.com/user/responsiveclassroom

Identity https://padlet-uploads.storage.googleapis.com/418766834/23c8a5753630256d78a78e300c94d1cc/Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf

What is restorative Justice http://www.restorativeresources.org/uploads/5/6/1/4/56143033/rj_what_it_is_and_is_not.pdf

Learning for Justice https://www.learningforjustice.org/classroom-resources/lessons

Empathy
https://padlet-uploads.storage.googleapis.com/418766834/3d117d43e4d2beb0f7cb5e9e9b7c4bd1/StartEmpathy_Toolkit.pdf

Anti bias lessons https://padlet-uploads.storage.googleapis.com/418766834/69796a8dec60d6beac02c35f595e075f/ADL_Anti_Bias_Lessons.pdf

Casel sample teaching https://casel.s3.us-east-2.amazonaws.com/Sample-Teaching-Activities-to-Support-Core-Competencies.pdf

Using data https://dataqualitycampaign.org/wp-content/uploads/2018/10/Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf

Rate yourself https://padlet-uploads.storage.googleapis.com/418766834/59aed16eefcb4a4f9193f79f977af563/Goal_Worksheets_11.pdf

More data collection https://www.closegap.org/

Goopenva https://goopenva.org/groups/?f.search=Social+Emotional+Learning

Goopenva. Riot language https://microsite-vadoe-prod.s3.amazonaws.com/media/courseware/relatedresource/file/A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf

Goopenva history of racism https://goopenva.org/courseware/lesson/3851/overview

SEL IN ADVANCING EQUITY - same woman who does Antiracism https://youtu.be/wn6HeVlzr20

Transformative SEL https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/

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We Can't Talk About Racism Without Social Emotional Skills - Future Focused Education.pdf
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Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Take a step back, however, and these circles closely resemble group therapy. Consider a few example questions that one author at Edutopia suggests:

- How does the state of your mental health affect you as a person?
- What do you do to relieve stress?
- Who would you like to forgive?

And now compare those to a few recommended questions at a counseling center:

- How do you think your negative thoughts influence your behavior?
- What are some things that make you feel stressed? How are you coping with these things?
- Is there anyone in your life you're struggling to forgive? Why?

The questions grow increasingly personal with time. One guide in San Francisco encourages teachers to ask questions that are "edgy" and "controversial." My graduate training incorporated them, during which our instructors encouraged us to share personal stories about any trauma that we'd faced. Needless to say, being compelled to disclose such intimate details of my life with complete strangers was an uncomfortable experience.

We should all want mental health care and structured, emotional support for students who need it. But deputizing teachers into a role far beyond their expertise runs into several problems that violate the American Psychological Association's "Code of Ethics." And it could lead to disastrous outcomes.

The code begins with the exhortation that psychologists only "provide services, teach, and conduct research...within the boundaries of their competence." Counselors generally need at minimum a master's degree and hundreds of hours of supervised experience before they take on individual, group, or family therapy. While teachers have more background in child psychology than the average citizen, it pales in comparison to that of a trained, licensed psychologist.

While student teaching, at the behest of my teacher prep program, I made such circle conversations a semi-regular part of the classroom. One day, a student shared in the presence of his bullies that he had considered suicide. It was a dangerously volatile scenario, one that my handful of professional development sessions did not come close to preparing me for.

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VA-DOE-22-0316-B-000334

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Teaching in Virginia
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Statistics & Reports
Information Management
School Finance

SOCIAL EMOTIONAL LEARNING (SEL)

Page Contents

- Virginia's Vision for Social Emotional Learning
- Virginia's Definition of Social Emotional Learning
- Virginia's SEL Guidance Standards
- Core SEL Competencies
- Positive Impact of SEL
- SEL Resources

Virginia's Vision for Social Emotional Learning

The Virginia Department of Education's social emotional learning (SEL) efforts are driven by our commitment to ensure that every student in Virginia attends a school that maximizes their potential and prepares them for the future: academically, socially, and emotionally. Virginia's vision for SEL is intended to center equity in this work, which is key to VDOE's vision and mission.

> *"The vision of social emotional learning in Virginia is to maximize the potential of all students and staff to become responsible, caring and reflective members of our diverse society by advancing equity, uplifting student voice, and infusing SEL into every part of the school experience."*

Virginia's Definition of Social Emotional Learning

If you use Casel Virginia's definition doesn't matter

To meet this vision, the VDOE established a uniform definition of social emotional learning based on the Collaborative for Academic, Social, and Emotional Learning (CASEL) definition. Virginia defines social emotional learning as:

> *"The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions."*

Social emotional learning begins at home and continues through adulthood. Embedding SEL intentionally in school culture advances the work that begins and continues at home.

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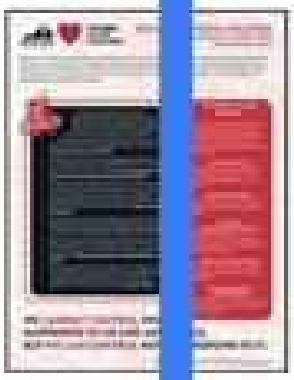
Social Emotional Wellness Quick Guides

...portant information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)

Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)

Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

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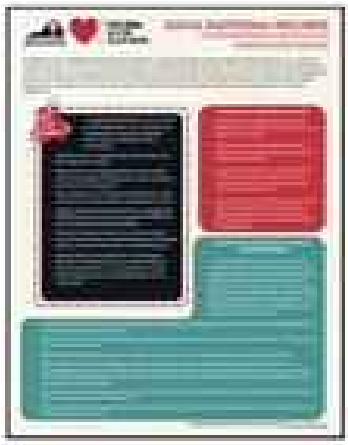

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-Engage in reflection of their beliefs, behaviors and practices.

-Communicate in linguistically and culturally responsive ways.

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8:04

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ASSESSING, RECOVERING, NURTURING & SUCCEEDING

Navigating Virginia Education in Uncertain Times

A year into the COVID-19 pandemic the VDOE brought together a variety of stakeholders - the Virginia LEARNS workgroup - to use information collected and compiled from many sources to create a guidance document for school divisions. The workgroup focused on equity, wellbeing, and instructional issues including curriculum, assessment and remediation, recovery and interventions.

As schools reopen and develop plans for summer programs and the 2021-22 school year, keen attention needs to be given to addressing learning gaps exacerbated by the pandemic and to the mental health needs of students and staff. Understanding that all of our programs need to ensure equity, the checkpoints and resources below will assist leaders and staff as they consider guiding questions, assess and allocate available resouUrces, and deploy plans to meet the needs of *all* students.

The resources provided here build upon the Recover, Redesign, Restart 2020 work. Stakeholders are also encouraged to refer to the department's School Reopening Frequently Asked Questions, a resource aligned with the interim CDC guidance for schools and serves as a recommendation for Virginia schools to mitigate risks associated with COVID-19.

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VA-DOE-22-0316-B-000339

Virginia LEARNS ON-THE-GO!

Virginia LEARNS is now available wherever you are! Simply use this handy one-sheet to navigate to key sections of this valuable resource. You can scan the QR code or click any of the icons to get where you need to go. It's just that easy to get the information you need, with Virginia LEARNS ON-THE-GO (PDF)!

Data Dashboard

Feedback from hundreds of stakeholders has been compiled to guide

- Data Dashboard (PDF)

Equity

Aligned with the EdEquityVA work, these links provide guiding questions and action steps to ensure equitable access for ALL students.

- Equity Checkpoint (PDF)
- Equity Considerations (PDF)

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Virginia Guidance SEL Standards

In accordance with HB 753, passed during the 2020 Virginia General Assembly, the Virginia Department of Education (VDOE) established a uniform definition of social-emotional learning and developed the Virginia Guidance SEL Standards for all public students in grades Kindergarten through 12 in the Commonwealth.

You do not have to use Transformative SEL- until we change legislation there ARE other options

Core SEL Competencies

All through a lens of equity and social justice!

There are five core social emotional learning competencies that address broad and interrelated areas of competence. These SEL competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts.

Self-awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.

Self-management: The abilities to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations.

Social awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts.

Relationship skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.

Decision-making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

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Additional Resources

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- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

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Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
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- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health [redacted] tionally

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VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

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APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

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Culturally Responsive and Inclusive Practice

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> *The cultural competence of adults is intimately connected to the achievement of students.*
>
> *Gary R. Howard*

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practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for Increasing the Cultural Competency of Virginia's Educator Workforce:

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

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Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

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As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

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CASEL's Definition of SEL (2020 Update):

"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

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SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

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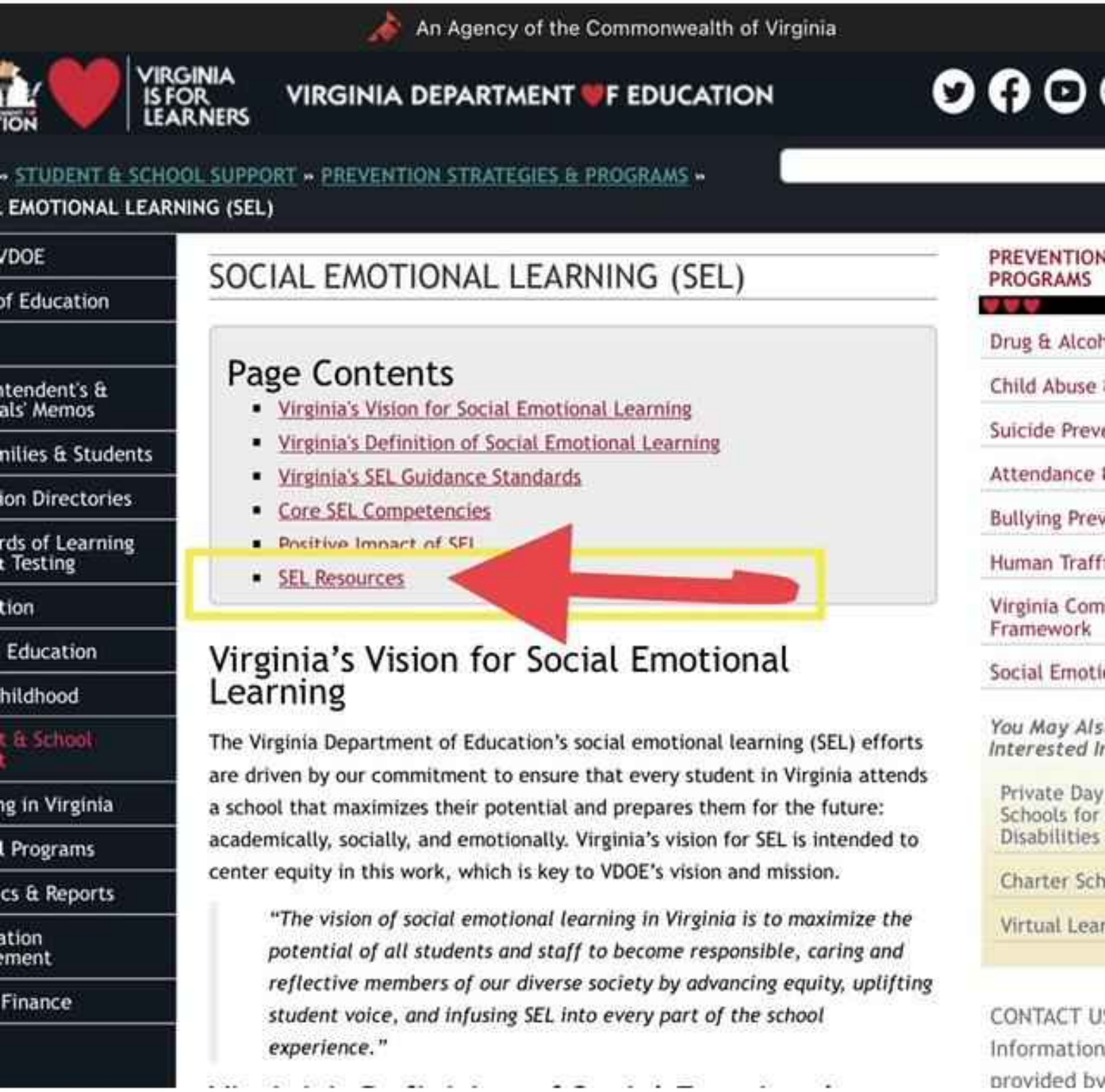

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- Improvements in reading comprehension

SEL Resources

Equity

- SEL can be an effective tool for creating caring, just, inclusive, and healthy communities that support all individuals in reaching their fullest potential:
  - Equity and SEL Resources (CASEL)
  - Integrating Equity into SEL Infographic (PDF)

Trauma Informed Practices

- SEL and trauma informed practices share the goal of helping students develop social and emotional competencies so they may respond successfully to the challenges of the world they live in.

Supporting English Language Learners

- Social Emotional Learning and Support for English Learners (recorded webinar) - The VDOE created a video to explore the ways that SEL can support the needs of English Language learners in Virginia.

Schoolwide SEL

- Indicators of Schoolwide SEL
- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

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components of schoolwide SEL.

Planning Resources

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- The Profile of a Virginia Graduate establishes a new set of expectations known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health Education Standards of Learning (SOL) intentionally include social emotional skills to build K-12 student's mental wellness skills - emotional development, self-concept and social competence.
- The revised *Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension* integrates SEL practices into prevention and intervention as a means of reducing exclusionary discipline practices and removing disparity in the use of suspension and expulsion.
- The purpose of Kindness Week is to recognize that simple day-to-day acts of kindness enable our schools, communities, and state to be a kinder, safer, healthier, and more inclusive place to live, work, learn, and play. By promoting kindness, we are promoting inclusivity by extending an opportunity for grace, empathy, dignity, and acceptance across Virginia.

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opportunity for every student, family, and community across Virginia.

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS

The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

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A Systemic Approach to SEL Implementation

As exemplified by CASEL's infographic (© CASEL, All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning[1] demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/16/2022 5:59:36 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: VDOE SEL site info we discussed

Attachments: image0.jpeg , image1.jpeg , image2.jpeg , image3.jpeg , image4.jpeg , image5.jpeg , image6.jpeg , image7.jpeg , image8.jpeg , image9.jpeg , image10.jpeg , image11.jpeg , image22.jpeg , image23.jpeg , image24.jpeg , image25.jpeg , image26.jpeg , image17.jpeg , image18.jpeg , image19.jpeg , image20.jpeg , image21.jpeg

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I am not sure who this parent is, but I may have met her at a the Governor's charity game or some other recent Richmond-area event.
Elizabeth

---------- Forwarded message ---------
From: **Anne Taydus** <anneelizabethcraft@yahoo.com>
Date: Wed, Mar 16, 2022 at 5:32 PM
Subject: VDOE SEL site info we discussed
To: <elizabeth.schultz@doe.virginia.gov>

Download full resolution images
Available until Apr 15, 2022

Ms. Schultz, I hope Chesterfield is treating you well! I put the jotform together if you would like the links. I told the team to grant you access. I put them all there specifically for you. So here is a copy of the link so you can have access to them. I was going to put a an entire presentation together on PowerPoint for tomorrow but developing a non profit and yesterday's sexual assault at a Thomas Dale high school have been at the top of my list

So unfortunately I have a million pieces I was going to put into a power point but with it being the end of Wednesday I wanted to get them at least sent out separately together for you. The screenshots are the extremely problematic areas. The videos are from the links on the VDOE SEL site as are the documents

If you have questions my cell is 8043329939
And I will be there to speak in the morning.
Anne Taydus

https://youtu.be/-E-Up9_mOW4 SEL equity

https://youtu.be/b0hbELlHkUs. Reading. Casel

https://youtu.be/dlpeymIXuIE. Data science

https://youtu.be/ye80s0SJHqQ - sel support. Ideas. Equity driven.

https://youtu.be/5XWGp5EJDyw Culturally relevant advisory committee
https://youtu.be/RkDMOdZhaK4

Vdoe pbs source social awareness https://www.pbslearningmedia.org/resource/social-awareness-social-emotional-learning/social-emotional-learning-video/

Relationship skills https://www.pbslearningmedia.org/resource/relationship-skills-social-emotional-learning/social-emotional-learning-video/

Positive impact if SEL per VDOE -> CASEL
https://casel.org/fundamentals-of-sel/what-does-the-research-say/

Vdoe SEL and equity. https://ies.ed.gov/ncee/edlabs/infographics/pdf/REL_MW_Integrating_a_Focus_on_Equity_into_Social_and_Emotional_Learning.pdf

Casel SEL equity https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/

Casel. SEL equity fighting racism https://youtu.be/UPWrnBA2274
https://youtu.be/DPFMfultXSY
https://youtu.be/m3yHe45dipA
https://youtu.be/JphZpROqUsw

Urgency for equity CASEL https://youtu.be/R5XsfrWwCsc

Trauma SEL. https://youtu.be/-LsceUH3i0o

Casel. SEL and equity https://schoolguide.casel.org/what-is-sel/equity-and-sel/

Transforming identity https://youtu.be/PpsswKB269U

5cs
http://www.virginiaisforlearners.virginia.gov/media-library/

https://youtu.be/f4JUFe5wblo
Critical thinking. https://youtu.be/lhNnactbvUU

Vdoe data dashboard https://www.doe.virginia.gov/instruction/learns/virginia-learns.pdf#page=8

SEL resource library https://padlet.com/sarah_bazemore1/VAis4SEL

WHAT SEL DOES TO CHILDREN
https://youtu.be/lDtGw8Ss-VA

Why SEL must be in all schools https://www.lessonsforsel.com/post/why-every-school-must-have-a-social-emotional-learning-plan-prior-to-reopening

Responsive classroom https://youtube.com/user/responsiveclassroom

Identity https://padlet-uploads.storage.googleapis.com/418766834/23c8a5753630256d78a78e300c94d1cc/Let_students_identify_themselves_on_the_first_day_of_class_-_Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns_-_then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf

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What is restorative Justice http://www.restorativeresources.org/uploads/5/6/1/4/56143033/rj_what_it_is_and_is_not.pdf

Learning for Justice https://www.learningforjustice.org/classroom-resources/lessons

Empathy
https://padlet-uploads.storage.googleapis.com/418766834/3d117d43e4d2beb0f7cb5e9e9b7c4bd1/StartEmpathy_Toolkit.pdf

Anti bias lessons https://padlet-uploads.storage.googleapis.com/418766834/69796a8dec60d6beac02c35f595e075f/ADL_Anti_Bias_Lessons.pdf

Casel sample teaching https://casel.s3.us-east-2.amazonaws.com/Sample-Teaching-Activities-to-Support-Core-Competencies.pdf

Using data https://dataqualitycampaign.org/wp-content/uploads/2018/10/Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf

Rate yourself https://padlet-uploads.storage.googleapis.com/418766834/59aed16eefcb4a4f9193f79f977af563/Goal_Worksheets_11.pdf

More data collection https://www.closegap.org/

Goopenva https://goopenva.org/groups/?f.search=Social+Emotional+Learning

Goopenva. Riot language https://microsite-vadoe-prod.s3.amazonaws.com/media/courseware/relatedresource/file/A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf

Goopenva history of racism https://goopenva.org/courseware/lesson/3851/overview

SEL IN ADVANCING EQUITY - same woman who does Antiracism https://youtu.be/wn6HeVlzr20

Transformative SEL https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/

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Sent from my iPhone
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Instruction
Special Education
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Student & School Support
Teaching in Virginia
Federal Programs
Statistics & Reports
Information Management
School Finance

SOCIAL EMOTIONAL LEARNING (SEL)

Page Contents

- Virginia's Vision for Social Emotional Learning
- Virginia's Definition of Social Emotional Learning
- Virginia's SEL Guidance Standards
- Core SEL Competencies
- Positive Impact of SEL
- SEL Resources

Virginia's Vision for Social Emotional Learning

The Virginia Department of Education's social emotional learning (SEL) efforts are driven by our commitment to ensure that every student in Virginia attends a school that maximizes their potential and prepares them for the future: academically, socially, and emotionally. Virginia's vision for SEL is intended to center equity in this work, which is key to VDOE's vision and mission.

> *"The vision of social emotional learning in Virginia is to maximize the potential of all students and staff to become responsible, caring and reflective members of our diverse society by advancing equity, uplifting student voice, and infusing SEL into every part of the school experience."*

Virginia's Definition of Social Emotional Learning

If you use Casel Virginia's definition doesn't matter

To meet this vision, the VDOE established a uniform definition of social emotional learning based on the Collaborative for Academic, Social, and Emotional Learning (CASEL) definition. Virginia defines social emotional learning as:

> *"The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions."*

Social emotional learning begins at home and continues through adulthood. Embedding SEL intentionally in school culture advances the work that begins and continues at home.

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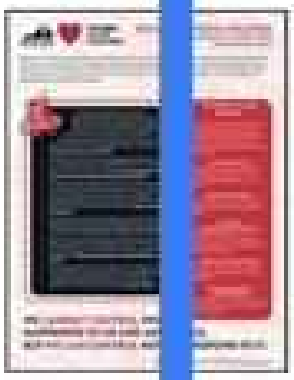
7:54

Social Emotional Wellness Quick Guides

...portant information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)

Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)

Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

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Considerations for Students with Disabilities (PDF)

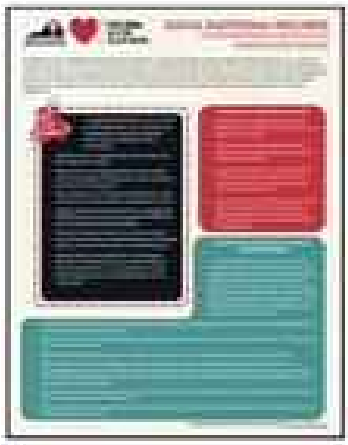
Resources include:

- Social Stories and Communication Tools (PDF)

Considerations for Youth in Marginalized Groups (PDF)

Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias



Considerations for Parents and Caregivers (PDF)

Resources include:

- Parent Resources for Cyber-Bullying (PDF)
- Activities and Learning at Home Resources (PDF)
- Common Reactions and How to Respond (PDF)
- Talking to Children about COVID-19 (PDF)
- Children Coping Resources (PDF)

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are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.

-Model high expectations for all students.

-Promote respect for student differences.

-Recognize and redress bias in the system.

-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.

-Are change agents for social justice and academic equity.

-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.

-Engage in reflection of their beliefs, behaviors and practices.

-Communicate in linguistically and culturally responsive ways.

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8:04

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ASSESSING, RECOVERING, NURTURING & SUCCEEDING

Navigating Virginia Education in Uncertain Times

A year into the COVID-19 pandemic the VDOE brought together a variety of stakeholders - the Virginia LEARNS workgroup - to use information collected and compiled from many sources to create a guidance document for school divisions. The workgroup focused on equity, wellbeing, and instructional issues including curriculum, assessment and remediation, recovery and interventions.

As schools reopen and develop plans for summer programs and the 2021-22 school year, keen attention needs to be given to addressing learning gaps exacerbated by the pandemic and to the mental health needs of students and staff. Understanding that all of our programs need to ensure equity, the checkpoints and resources below will assist leaders and staff as they consider guiding questions, assess and allocate available resouUrces, and deploy plans to meet the needs of *all* students.

The resources provided here build upon the Recover, Redesign, Restart 2020 work. Stakeholders are also encouraged to refer to the department's School Reopening Frequently Asked Questions, a resource aligned with the interim CDC guidance for schools and serves as a recommendation for Virginia schools to mitigate risks associated with COVID-19.

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Virginia LEARNS ON-THE-GO!

Virginia LEARNS is now available wherever you are! Simply use this handy one-sheet to navigate to key sections of this valuable resource. You can scan the QR code or click any of the icons to get where you need to go. It's just that easy to get the information you need, with Virginia LEARNS ON-THE-GO (PDF)!

Data Dashboard

Feedback from hundreds of stakeholders has been compiled to guide

- Data Dashboard (PDF)

Equity

Aligned with the EdEquityVA work, these links provide guiding questions and action steps to ensure equitable access for ALL students.

- Equity Checkpoint (PDF)
- Equity Considerations (PDF)

Laboratory S
Technology I
Virtual Learn
Year-Round S

Instruction
Environment
Instruction C
Library & Me
Project-Base
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Textbooks &

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College & Ca
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Virginia Sch

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Information
provided by
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Virginia Guidance SEL Standards

In accordance with HB 753, passed during the 2020 Virginia General Assembly, the Virginia Department of Education (VDOE) established a uniform definition of social-emotional learning and developed the Virginia Guidance SEL Standards for all public students in grades Kindergarten through 12 in the Commonwealth.

You do not have to use Transformative SEL- until we change legislation there ARE other options

Core SEL Competencies

All through a lens of equity and social justice!

There are five core social emotional learning competencies that address broad and interrelated areas of competence. These SEL competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts.

Self-awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.

Self-management: The abilities to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations.

Social awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts.

Relationship skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.

Decision-making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

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Additional Resources

- VDOE Special Education Resource page for COVID-19 - includes many resources applicable to special education, parents, SEL and more.
- Restart & Recovery: Meeting the Assessment Needs of Students with Disabilities During Times of Interrupted Schooling - CCSSO, June 2021
- Restart & Recovery: Supporting English Learners with Disabilities during Remote Learning & School Reopening - CCSSO, June 2021
- Addressing Disrupted Instruction in the Social Studies: Recommendations on a Matter of Equity and National Importance - CCSSO, June 2021
- Advancing Student Learning and Opportunity Through Voluntary Academic Summer Learning Programs (PDF) - RAND Corporation, May 2021
- 2021 Summer Learning & Enrichment - state guidance from district and school leaders, CCSSO
- *State Plans for Accelerating Student Learning: A Preliminary Analysis* (PDF) - April 21, 2021, CCSSO
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

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Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health [redacted]

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VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

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APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

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Culturally Responsive and Inclusive Practice

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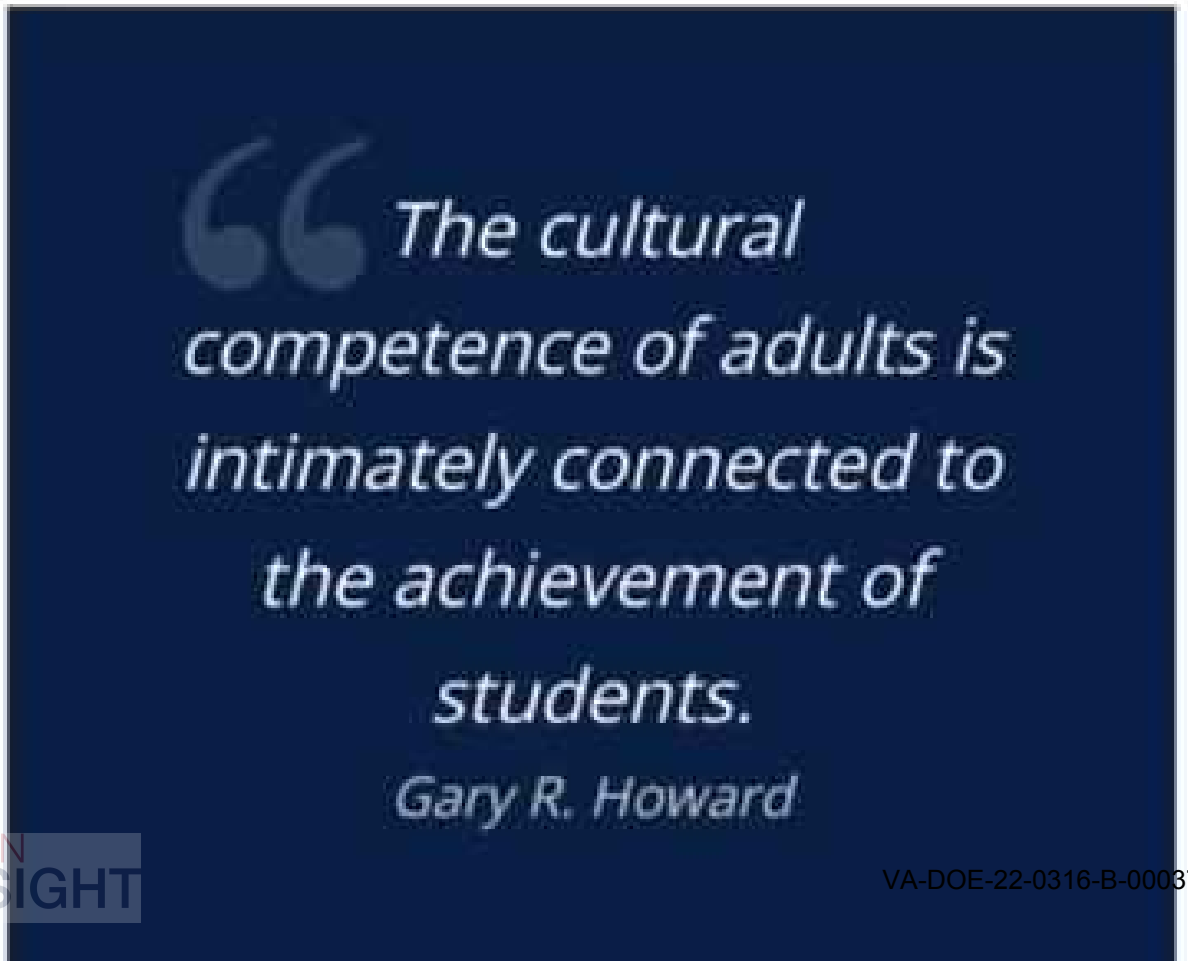

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practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for Increasing the Cultural Competency of Virginia's Educator Workforce:

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

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Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

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As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

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CASEL's Definition of SEL (2020 Update):

"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

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SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

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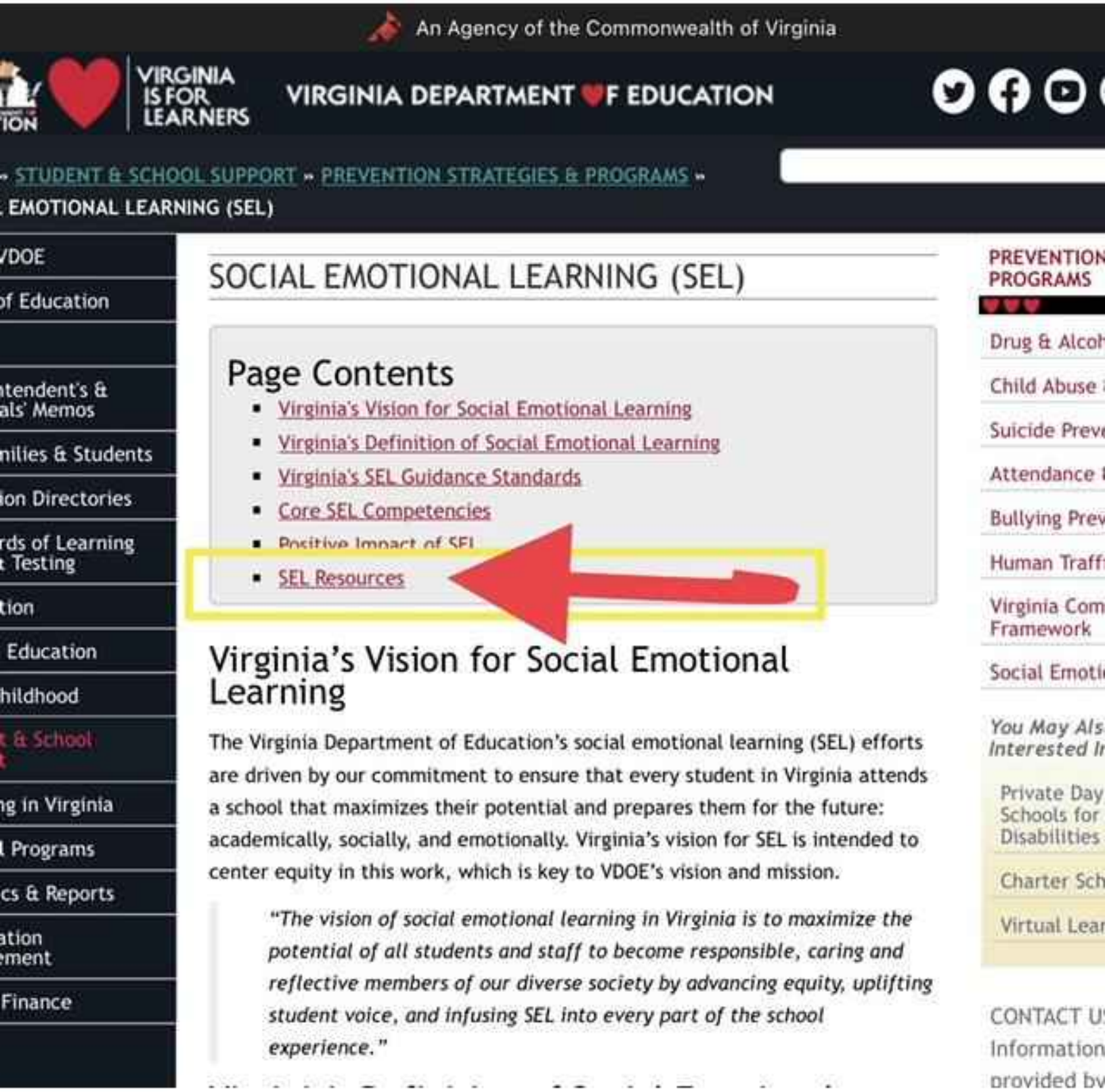

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- Improvements in reading comprehension

SEL Resources

Equity

- SEL can be an effective tool for creating caring, just, inclusive, and healthy communities that support all individuals in reaching their fullest potential:
  - Equity and SEL Resources (CASEL)
  - Integrating Equity into SEL Infographic (PDF)

Trauma Informed Practices

- SEL and trauma informed practices share the goal of helping students develop social and emotional competencies so they may respond successfully to the challenges of the world they live in.

Supporting English Language Learners

- Social Emotional Learning and Support for English Learners (recorded webinar) - The VDOE created a video to explore the ways that SEL can support the needs of English Language learners in Virginia.

Schoolwide SEL

- Indicators of Schoolwide SEL
- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

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components of schoolwide SEL.

Planning Resources

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- The Profile of a Virginia Graduate establishes a new set of expectations known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health Education Standards of Learning (SOL) intentionally include social emotional skills to build K-12 student's mental wellness skills - emotional development, self-concept and social competence.
- The revised *Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension* integrates SEL practices into prevention and intervention as a means of reducing exclusionary discipline practices and removing disparity in the use of suspension and expulsion.
- The purpose of Kindness Week is to recognize that simple day-to-day acts of kindness enable our schools, communities, and state to be a kinder, safer, healthier, and more inclusive place to live, work, learn, and play. By promoting kindness, we are promoting inclusivity by extending an opportunity for grace, empathy, dignity, and acceptance across Virginia.

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opportunity for every student, every family, and every person across Virginia.

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS

The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

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A Systemic Approach to SEL Implementation

As exemplified by CASEL's infographic (© CASEL, All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning[1] demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/19/2022 9:56:23 AM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE SEL site info we discussed

Attachments: image0.jpeg , image1.jpeg , image2.jpeg , image3.jpeg , image4.jpeg , image5.jpeg , image6.jpeg , image7.jpeg , image8.jpeg , image9.jpeg , image10.jpeg , image11.jpeg , image22.jpeg , image23.jpeg , image24.jpeg , image25.jpeg , image26.jpeg , image17.jpeg , image18.jpeg , image19.jpeg , image20.jpeg , image21.jpeg

---

I believe I already forwarded this, but just double-checking…

---------- Forwarded message ---------
From: **Anne Taydus** <anneelizabethcraft@yahoo.com>
Date: Wed, Mar 16, 2022 at 5:32 PM
Subject: VDOE SEL site info we discussed
To: <elizabeth.schultz@doe.virginia.gov>

Download full resolution images
Available until Apr 15, 2022

Ms. Schultz, I hope Chesterfield is treating you well! I put the jotform together if you would like the links. I told the team to grant you access. I put them all there specifically for you. So here is a copy of the link so you can have access to them. I was going to put a an entire presentation together on PowerPoint for tomorrow but developing a non profit and yesterday's sexual assault at a Thomas Dale high school have been at the top of my list

So unfortunately I have a million pieces I was going to put into a power point but with it being the end of Wednesday I wanted to get them at least sent out separately together for you. The screenshots are the extremely problematic areas. The videos are from the links on the VDOE SEL site as are the documents

If you have questions my cell is 8043329939
And I will be there to speak in the morning.
Anne Taydus

https://youtu.be/-E-Up9_mOW4 SEL equity

https://youtu.be/b0hbELIHkUs. Reading. Casel

https://youtu.be/dlpeymIXuIE. Data science

https://youtu.be/ye80s0SJHqQ - sel support. Ideas. Equity driven.

https://youtu.be/5XWGp5EJDyw Culturally relevant advisory committee
https://youtu.be/RkDMOdZhaK4

Vdoe pbs source social awareness https://www.pbslearningmedia.org/resource/social-awareness-social-emotional-learning/social-emotional-learning-video/

Relationship skills https://www.pbslearningmedia.org/resource/relationship-skills-social-emotional-learning/social-emotional-learning-video/

Positive impact if SEL per VDOE -> CASEL
https://casel.org/fundamentals-of-sel/what-does-the-research-say/

Vdoe SEL and equity. https://ies.ed.gov/ncee/edlabs/infographics/pdf/REL_MW_Integrating_a_Focus_on_Equity_into_Social_and_Emotional_Learning.pdf

Casel SEL equity https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/

Casel. SEL equity fighting racism https://youtu.be/UPWrnBA2274
https://youtu.be/DPFMfultXSY
https://youtu.be/m3yHe45dipA
https://youtu.be/JphZpROqUsw

Urgency for equity CASEL https://youtu.be/R5XsfrWwCsc

Trauma SEL. https://youtu.be/-LsceUH3i0o

Casel. SEL and equity https://schoolguide.casel.org/what-is-sel/equity-and-sel/

Transforming identity https://youtu.be/PpsswKB269U

5cs
http://www.virginiaisforlearners.virginia.gov/media-library/

https://youtu.be/f4JUFe5wblo
Critical thinking. https://youtu.be/lhNnactbvUU

Vdoe data dashboard https://www.doe.virginia.gov/instruction/learns/virginia-learns.pdf#page=8

SEL resource library https://padlet.com/sarah_bazemore1/VAis4SEL

WHAT SEL DOES TO CHILDREN
https://youtu.be/lDtGw8Ss-VA

Why SEL must be in all schools https://www.lessonsforsel.com/post/why-every-school-must-have-a-social-emotional-learning-plan-prior-to-reopening

Responsive classroom https://youtube.com/user/responsiveclassroom

Identity https://padlet-uploads.storage.googleapis.com/418766834/23c8a5753630256d78a78e300c94d1cc/Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf

What is restorative Justice http://www.restorativeresources.org/uploads/5/6/1/4/56143033/rj_what_it_is_and_is_not.pdf

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Learning for Justice https://www.learningforjustice.org/classroom-resources/lessons

Empathy
https://padlet-uploads.storage.googleapis.com/418766834/3d117d43e4d2beb0f7cb5e9e9b7c4bd1/StartEmpathy_Toolkit.pdf

Anti bias lessons https://padlet-uploads.storage.googleapis.com/418766834/69796a8dec60d6beac02c35f595e075f/ADL_Anti_Bias_Lessons.pdf

Casel sample teaching https://casel.s3.us-east-2.amazonaws.com/Sample-Teaching-Activities-to-Support-Core-Competencies.pdf

Using data https://dataqualitycampaign.org/wp-content/uploads/2018/10/Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf

Rate yourself https://padlet-uploads.storage.googleapis.com/418766834/59aed16eefcb4a4f9193f79f977af563/Goal_Worksheets_11.pdf

More data collection https://www.closegap.org/

Goopenva https://goopenva.org/groups/?f.search=Social+Emotional+Learning

Goopenva. Riot language https://microsite-vadoe-prod.s3.amazonaws.com/media/courseware/relatedresource/file/A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf

Goopenva history of racism https://goopenva.org/courseware/lesson/3851/overview

SEL IN ADVANCING EQUITY - same woman who does Antiracism https://youtu.be/wn6HeVlzr20

Transformative SEL https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/

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Sent from my iPhone
--
Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction

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Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Special Education
Early Childhood
Student & School Support
Teaching in Virginia
Federal Programs
Statistics & Reports
Information Management
School Finance

SOCIAL EMOTIONAL LEARNING (SEL)

Page Contents

- Virginia's Vision for Social Emotional Learning
- Virginia's Definition of Social Emotional Learning
- Virginia's SEL Guidance Standards
- Core SEL Competencies
- Positive Impact of SEL
- SEL Resources

Virginia's Vision for Social Emotional Learning

The Virginia Department of Education's social emotional learning (SEL) efforts are driven by our commitment to ensure that every student in Virginia attends a school that maximizes their potential and prepares them for the future: academically, socially, and emotionally. Virginia's vision for SEL is intended to center equity in this work, which is key to VDOE's vision and mission.

> *"The vision of social emotional learning in Virginia is to maximize the potential of all students and staff to become responsible, caring and reflective members of our diverse society by advancing equity, uplifting student voice, and infusing SEL into every part of the school experience."*

Virginia's Definition of Social Emotional Learning

If you use Casel Virginia's definition doesn't matter

To meet this vision, the VDOE established a uniform definition of social emotional learning based on the Collaborative for Academic, Social, and Emotional Learning (CASEL) definition. Virginia defines social emotional learning as:

> *"The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions."*

Social emotional learning begins at home and continues through adulthood. Embedding SEL intentionally in school culture advances the work that begins and continues at home.

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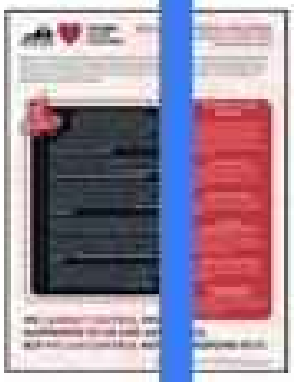
Social Emotional Wellness Quick Guides

...portant information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)

Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)

Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

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Considerations for Students with Disabilities (PDF)

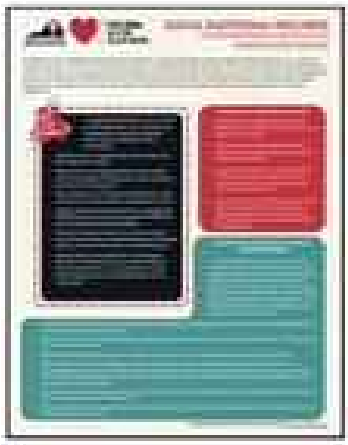
Resources include:

- Social Stories and Communication Tools (PDF)

Considerations for Youth in Marginalized Groups (PDF)

Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias



Considerations for Parents and Caregivers (PDF)

Resources include:

- Parent Resources for Cyber-Bullying (PDF)
- Activities and Learning at Home Resources (PDF)
- Common Reactions and How to Respond (PDF)
- Talking to Children about COVID-19 (PDF)
- Children Coping Resources (PDF)

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are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.

-Model high expectations for all students.

-Promote respect for student differences.

-Recognize and redress bias in the system.

-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.

-Are change agents for social justice and academic equity.

-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.

-Engage in reflection of their beliefs, behaviors and practices.

-Communicate in linguistically and culturally responsive ways.

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8:04

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ASSESSING, RECOVERING, NURTURING & SUCCEEDING

Navigating Virginia Education in Uncertain Times

A year into the COVID-19 pandemic the VDOE brought together a variety of stakeholders - the Virginia LEARNS workgroup - to use information collected and compiled from many sources to create a guidance document for school divisions. The workgroup focused on equity, wellbeing, and instructional issues including curriculum, assessment and remediation, recovery and interventions.

As schools reopen and develop plans for summer programs and the 2021-22 school year, keen attention needs to be given to addressing learning gaps exacerbated by the pandemic and to the mental health needs of students and staff. Understanding that all of our programs need to ensure equity, the checkpoints and resources below will assist leaders and staff as they consider guiding questions, assess and allocate available resouUrces, and deploy plans to meet the needs of *all* students.

The resources provided here build upon the Recover, Redesign, Restart 2020 work. Stakeholders are also encouraged to refer to the department's School Reopening Frequently Asked Questions, a resource aligned with the interim CDC guidance for schools and serves as a recommendation for Virginia schools to mitigate risks associated with COVID-19.

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Virginia LEARNS ON-THE-GO!

Virginia LEARNS is now available wherever you are! Simply use this handy one-sheet to navigate to key sections of this valuable resource. You can scan the QR code or click any of the icons to get where you need to go. It's just that easy to get the information you need, with Virginia LEARNS ON-THE-GO (PDF)!

Data Dashboard

Feedback from hundreds of stakeholders has been compiled to guide

- Data Dashboard (PDF)

Equity

Aligned with the EdEquityVA work, these links provide guiding questions and action steps to ensure equitable access for ALL students.

- Equity Checkpoint (PDF)
- Equity Considerations (PDF)

Laboratory S
Technology I
Virtual Learn
Year-Round S

Instruction

Environment
Instruction C
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Summer Lea
Textbooks &

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Virginia Sch

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Information
provided by
of Learning

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Virginia Guidance SEL Standards

In accordance with HB 753, passed during the 2020 Virginia General Assembly, the Virginia Department of Education (VDOE) established a uniform definition of social-emotional learning and developed the Virginia Guidance SEL Standards for all public students in grades Kindergarten through 12 in the Commonwealth.

You do not have to use Transformative SEL- until we change legislation there ARE other options

Core SEL Competencies

All through a lens of equity and social justice!

There are five core social emotional learning competencies that address broad and interrelated areas of competence. These SEL competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts.

Self-awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.

Self-management: The abilities to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations.

Social awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts.

Relationship skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.

Decision-making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

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Additional Resources

- VDOE Special Education Resource page for COVID-19 - includes many resources applicable to special education, parents, SEL and more.
- Restart & Recovery: Meeting the Assessment Needs of Students with Disabilities During Times of Interrupted Schooling - CCSSO, June 2021
- Restart & Recovery: Supporting English Learners with Disabilities during Remote Learning & School Reopening - CCSSO, June 2021
- Addressing Disrupted Instruction in the Social Studies: Recommendations on a Matter of Equity and National Importance - CCSSO, June 2021
- Advancing Student Learning and Opportunity Through Voluntary Academic Summer Learning Programs (PDF) - RAND Corporation, May 2021
- 2021 Summer Learning & Enrichment - state guidance from district and school leaders, CCSSO
- *State Plans for Accelerating Student Learning: A Preliminary Analysis* (PDF) - April 21, 2021, CCSSO
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

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Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health [redacted] tionally

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VA-DOE-22-0316-B-000396

VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

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APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

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Culturally Responsive and Inclusive Practice

541
Shares

- Share This Page

> *The cultural competence of adults is intimately connected to the achievement of students.*
>
> *Gary R. Howard*

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practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for Increasing the Cultural Competency of Virginia's Educator Workforce:

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

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Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

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As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

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CASEL's Definition of SEL (2020 Update):

"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

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SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

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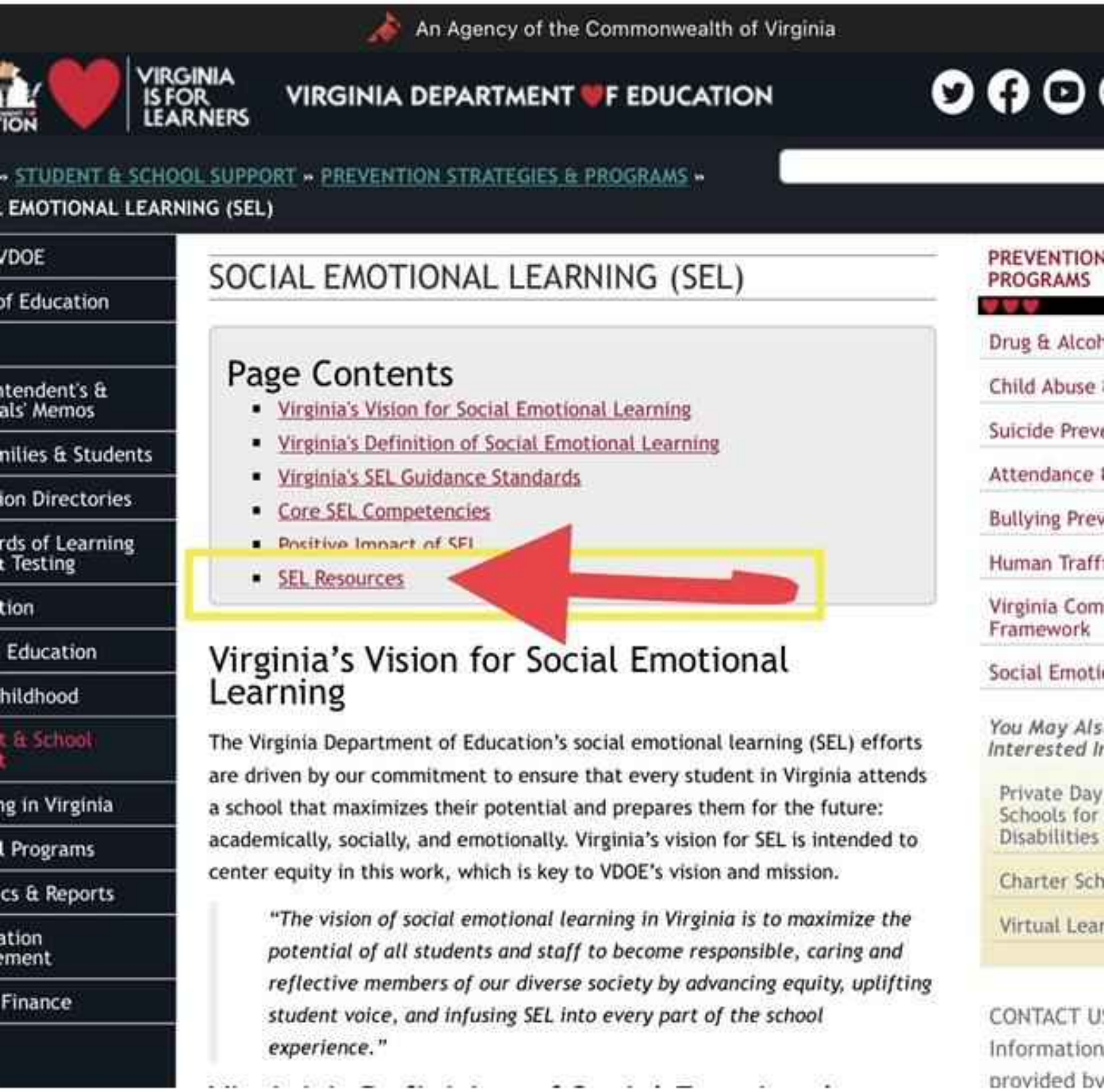

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- Improvements in reading comprehension

SEL Resources

Equity

- SEL can be an effective tool for creating caring, just, inclusive, and healthy communities that support all individuals in reaching their fullest potential:
  - Equity and SEL Resources (CASEL)
  - Integrating Equity into SEL Infographic (PDF)

Trauma Informed Practices

- SEL and trauma informed practices share the goal of helping students develop social and emotional competencies so they may respond successfully to the challenges of the world they live in.

Supporting English Language Learners

- Social Emotional Learning and Support for English Learners (recorded webinar) - The VDOE created a video to explore the ways that SEL can support the needs of English Language learners in Virginia.

Schoolwide SEL

- Indicators of Schoolwide SEL
- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

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components of schoolwide SEL.

Planning Resources

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- The Profile of a Virginia Graduate establishes a new set of expectations known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health Education Standards of Learning (SOL) intentionally include social emotional skills to build K-12 student's mental wellness skills - emotional development, self-concept and social competence.
- The revised *Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension* integrates SEL practices into prevention and intervention as a means of reducing exclusionary discipline practices and removing disparity in the use of suspension and expulsion.
- The purpose of Kindness Week is to recognize that simple day-to-day acts of kindness enable our schools, communities, and state to be a kinder, safer, healthier, and more inclusive place to live, work, learn, and play. By promoting kindness, we are promoting inclusivity by extending an opportunity for grace, empathy, dignity, and acceptance across Virginia.

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opportunity for every student, every family, and every person across Virginia.

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS

The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

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A Systemic Approach to SEL Implementation

As exemplified by CASEL's infographic (© CASEL, All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning[1] demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/10/2022 2:41:53 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Virginia Department of Education is still pushing CRT

Please see below…

---------- Forwarded message ---------
From: **pattyz2021** <pattyz2021@protonmail.com>
Date: Thu, Mar 10, 2022 at 1:37 PM
Subject: Virginia Department of Education is still pushing CRT
To: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Elizabeth,

I am a member of Fairfax Republicans and have talked to you a few times. We were way excited about you getting your current job.

Virginia Department of Education is still promoting Critical Race Theory in defiance of the governor. What is going on here? Did they do this behind your back? I can't imagine you putting up with this if you knew about it.

Here it is, a flyer and links to videos: https://content.govdelivery.com/attachments/VADOE/2022/03/07/file_attachments/2096356/SEL%20DAY%20%281%29.pdf

It is now called, get this, Social Emotional Learning. They get points for imagination. But watching the videos for a short while shows that it is simply CRT rebranded.

And our tax dollars are paying for this.

There is no reason for ANY VIDEOS. Education needs to be strictly academic subjects.

Please fill me in on what is happening here.

Patty Zevallos

Sent with ProtonMail secure email.
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 12:04:37 PM
To: "Aimee Guidera" <aimee.guidera@governor.virginia.gov>, "Sarah Huang Spota" <sarah.spota@governor.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Becca Glover" <becca.glover@governor.virginia.gov>, "Stewart, Coke M." <cstewart@oag.state.va.us>
Cc: "Jennifer Bean" <jennifer.bean@governor.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES
Witness List

TIME	DATE	PLACE
10:00 a.m.	**Tuesday, March 1, 2022**	**2141 Rayburn House Office Building**

Subject: Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

Panel One:

The Honorable André Carson
Member of Congress

The Honorable Judy Chu
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Ilhan Omar
Member of Congress

Panel Two:

Maya Berry
Executive Director
Arab American Institute

Shoba Sivaprasad Wadhia
Associate Dean for Diversity, Equity, and Inclusion;
Samuel Weiss Faculty Scholar; and Clinical Professor of Law
Penn State Law

Zulfat Suara
Council Member At Large
Metropolitan Government of Nashville and Davidson County

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Asra Nomani
Vice President for Strategy and Investigations
Parents Defending Education

Hammad Alam
Staff Attorney and Program Manager, National Security and Civil Rights
Asian Law Caucus
Asian Americans Advancing Justice

Devon Westhill
President and General Counsel
Center for Equal Opportunity

Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

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From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/7/2022 2:03:18 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Loudoun Letter

Attachments: Lettertofightforschools.docx

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

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VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

Dear

Re: Fight for Schools Request

Dear Fight for Schools:

I want to thank you for your letter and supporting documentation in regards to Superintendent Ziegler. Please know I am monitoring these issues very closely. Until a thorough investigation has been completed by the Office of the Attorney General, I will not be making any recommendation for the Loudoun County School District.

Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/2/2022 3:16:35 PM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc:
Subject: New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

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New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

https://thefederalist.com/2022/03/01/new-report-shatters-media-lie-that-crt-isnt-taught-in-virginia-schools/

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/21/2022 8:45:08 PM
To: "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Cc: "Coy, Holly" <holly.coy@doe.virginia.gov>, "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>
Subject: Re: Additional VDOE Web Updates Tonight on new COVID Guidance

---

Thank you, Holly and Ken.
Jillian

On Fri, Jan 21, 2022 at 6:58 PM Ken Blackstone <ken.blackstone@doe.virginia.gov> wrote:

> These pages will be updated any minute now. I just approved the test pages to go live.
>
> Thanks,
>
> Ken
>
> On Fri, Jan 21, 2022 at 5:52 PM Coy, Holly <holly.coy@doe.virginia.gov> wrote:
>
> Hi all,
>
> Along with the new guidance being posted, I've asked Ken and his team to update two other related pages on the website this evening. My intent is to ensure that we are as clear as possible with parents and schools over the weekend on what the new guidance is.
>
> 1) The first is our Interim Guidance page - and the update will be to replace existing text under the blue box with the following: *In January 2022 Virginia updated its Interim Guidance for COVID-19 Prevention in Virginia PreK-12 Schools consistent with Governor Youngkin's Executive Order 2.*
>
> 2) Second, I've asked for the FAQ page to be removed. The information is now outdated. We can certainly bring a new version back next week as we get questions.
>
> My hope is to provide clear and consistent information -- and then next week we can fill in with more detail as needed.
>
> Let me know if you have any questions or concerns with this approach.
>
> Thanks,
> Holly
>
> --
> **Holly Coy**
> *Assistant Superintendent of Policy and Communications*
> Virginia Department of Education
> 703.727.2240 (c) holly.coy@doe.virginia.gov
> --
>
> OCCS
>
> **KEN BLACKSTONE, APR**
> **EXECUTIVE DIRECTOR**
> **OFFICE OF COMMUNICATION & CONSTITUENT SERVICES**
> **VIRGINIA DEPARTMENT ♥ F EDUCATION**
> **O:** 804.225.2543 | **C:** 803.201.9945
> ken.blackstone@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 10:18:29 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Subject: Re: Article: WaPo

Thank you for sharing.

On Tue, Feb 15, 2022 at 7:05 AM Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov> wrote:

> Of interest
>
> https://www.washingtonpost.com/education/2022/02/14/critical-race-theory-teachers-fear-laws/

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 3:16:15 PM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>
Cc: "Ken Blackstone" <ken.blackstone@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>
Subject: Re: Elimination of VMPI

Sent a Google Meet invite for 3-3:30, thanks!

On Tue, Jan 25, 2022 at 10:18 AM Coy, Holly <holly.coy@doe.virginia.gov> wrote:

> I'm free between 1 and 2:30, though I could also join a phone call between 3 and 3:30 remotely.
>
> Thanks,
> Holly
>
> On Tue, Jan 25, 2022 at 12:08 PM Ken Blackstone <ken.blackstone@doe.virginia.gov> wrote:
>
> > Thanks for the update. I am free to meet anytime this afternoon and look forward to connecting on this.
> >
> > Sincerely,
> >
> > Ken
> >
> > On Tue, Jan 25, 2022 at 11:35 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> >
> > > Thanks Holly. We have this one and the Newsweek one on CRT. Do we want to connect this afternoon? I am not sure what the process is for us to respond right now in terms of whether we need to coordinate our response with the Secretary/Governor's office.
> > >
> > > On Tue, Jan 25, 2022 at 9:30 AM Coy, Holly <holly.coy@doe.virginia.gov> wrote:
> > >
> > > > Morning all,
> > > >
> > > > Looping us together re: the media inquiry below, happy to huddle on potential responses.
> > > >
> > > > Best,
> > > > Holly
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Ken Blackstone** <ken.blackstone@doe.virginia.gov>
> > > > Date: Tue, Jan 25, 2022 at 11:23 AM
> > > > Subject: Fwd: Elimination of VMPI
> > > > To: Coy, Holly <holly.coy@doe.virginia.gov>
> > > >
> > > > FYI, this came to the Superintendent's account and I'm assuming John forwarded it to me and Jillian.
> > > >
> > > > Ken
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Superintendent, rr** <superintendent@doe.virginia.gov>
> > > > Date: Tue, Jan 25, 2022 at 10:12 AM
> > > > Subject: Fwd: Elimination of VMPI
> > > > To: Ken Blackstone <ken.blackstone@doe.virginia.gov>
> > > > Cc: Jillian Balow <jillian.balow@doe.virginia.gov>
> > > >
> > > > Media request
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Harold Hutchison** <harold@dailycallernewsfoundation.org>
> > > > Date: Mon, Jan 24, 2022 at 5:02 PM
> > > > Subject: Elimination of VMPI
> > > > To: <superintendent@doe.virginia.gov>
> > > >
> > > > Ms. Balow,
> > > >
> > > > I am a reporter with the Daily Caller News Foundation. Would you be willing to comment on the cancellation of the Virginia Math Pathways Initiative?
> > > >
> > > > My deadline is 6:30 PM Eastern.
> > > >
> > > > Thank you for your time.
> > > >
> > > > ----
> > > > Harold Hutchison
> > > > Daily Caller News Foundation
> > > > harold@dailycallernewsfoundation.org
> > > > (703)216-6964
> > > >
> > > > --
> > > > **Holly Coy**
> > > > *Assistant Superintendent of Policy and Communications*
> > > > Virginia Department of Education
> > > > 703.727.2240 (c) holly.coy@doe.virginia.gov
> > >
> > > --
> > > **Holly Coy**
> > > *Assistant Superintendent of Policy and Communications*
> > > Virginia Department of Education
> > > 703.727.2240 (c) holly.coy@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 12:35:18 PM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>
Subject: Re: Elimination of VMPI

Thanks Holly. We have this one and the Newsweek one on CRT. Do we want to connect this afternoon? I am not sure what the process is for us to respond right now in terms of whether we need to coordinate our response with the Secretary/Governor's office.

On Tue, Jan 25, 2022 at 9:30 AM Coy, Holly <holly.coy@doe.virginia.gov> wrote:

> Morning all,
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> Looping us together re: the media inquiry below, happy to huddle on potential responses.
>
> Best,
> Holly
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> From: **Ken Blackstone** <ken.blackstone@doe.virginia.gov>
> Date: Tue, Jan 25, 2022 at 11:23 AM
> Subject: Fwd: Elimination of VMPI
> To: Coy, Holly <holly.coy@doe.virginia.gov>
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> FYI, this came to the Superintendent's account and I'm assuming John forwarded it to me and Jillian.
>
> Ken
>
> ---------- Forwarded message ---------
> From: **Superintendent, rr** <superintendent@doe.virginia.gov>
> Date: Tue, Jan 25, 2022 at 10:12 AM
> Subject: Fwd: Elimination of VMPI
> To: Ken Blackstone <ken.blackstone@doe.virginia.gov>
> Cc: Jillian Balow <jillian.balow@doe.virginia.gov>
>
> Media request
>
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> My deadline is 6:30 PM Eastern.
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> Thank you for your time.
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> Harold Hutchison
> Daily Caller News Foundation
> harold@dailycallernewsfoundation.org
> (703)216-6964
>
> --
> **Holly Coy**
> *Assistant Superintendent of Policy and Communications*
> Virginia Department of Education
> 703.727.2240 (c) holly.coy@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/28/2022 7:29:18 PM
To: "Fairheart, Donald" <donald.fairheart@doe.virginia.gov>
Cc:
Subject: Re: FOIA regarding Executive Order One

Thanks Rusty. We have a process now where I will approve.

On Tue, Jan 25, 2022 at 3:52 PM Fairheart, Donald <donald.fairheart@doe.virginia.gov> wrote:

> FYI….. I have approved these requests in the past. Are you ok with me doing so moving forward? Or, is there another process you would like to put in place?
>
> Thanks-
>
> ---------- Forwarded message ---------
> From: **FOIA, rr** <foia@doe.virginia.gov>
> Date: Tue, Jan 25, 2022 at 4:21 PM
> Subject: Fwd: FOIA regarding Executive Order One
> To: Myers, David <dave.myers@doe.virginia.gov>, Donald Fairheart <donald.fairheart@doe.virginia.gov>, Holly Coy <holly.coy@doe.virginia.gov>
>
> Dave,
>
> The VDOE has received another FOIA request that I believe would be appropriately handled by your office conducting an agency email search.
>
> Holly,
> What is the current protocol? Do I send it directly to Dave (and copy Rusty) as we have done in the past? Or is there another protocol in place?
>
> Rebecca Askew
>
> ---------- Forwarded message ---------
> From: **Kate Masters** <kmasters@virginiamercury.com>
> Date: Tue, Jan 25, 2022 at 2:35 PM
> Subject: FOIA regarding Executive Order One
> To: Rebecca Askew <rebecca.askew@doe.virginia.gov>, FOIA, rr <foia@doe.virginia.gov>
> Cc: Pyle, Charles <charles.pyle@doe.virginia.gov>
>
> Hi Rebecca,
>
> This is Kate Masters with the Virginia Mercury. I hope you're doing well. I'm still going through the FOIA documents you sent over before the holidays, but in the meantime, I wanted to submit another request.
>
> I'd like to file a FOIA request for all communications between staff at the Virginia Department of Education and the office of Gov. Glen Youngkin regarding the governor's Executive Order Number One: Ending the Use of Inherently Divisive Concepts, Including Critical Race Theory, and Restoring Excellence in K-12 Public Education in the Commonwealth. I'm restricting my request to communications sent between Jan. 15, 2022 and Jan. 25, 2022.
>
> Please feel free to email or give me a call if you have any questions for me.
>
> Thanks,
> --
> Kate Masters
> Virginia Mercury
> 571-643-4275
>
> --
> Donald R. Fairheart, M.B.A.
> Deputy Superintendent
> Division of School Quality, Instruction, and Performance
> Virginia Department of Education
> 101 N. 14th Street
> P.O. Box 2120
> Richmond, VA 23218
>
> 804-225-2988
>
> donald.fairheart@doe.virginia.gov

The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.

AMERICAN OVERSIGHT

From: Shanor, Dicky <dicky.shanor@doe.virginia.gov>
Sent: 1/21/2022 12:30:21 AM
To: "Myers, David" <dave.myers@doe.virginia.gov>
Cc:
Subject: Re: FOIA request - CRT emails

---

sorry I didn't connect with you today, will do tomorrow.

On Wed, Jan 19, 2022 at 4:06 PM Myers, David <dave.myers@doe.virginia.gov> wrote:

> Dave Myers, PhD
> Assistant Superintendent of Data, Research, Technology
> Virginia Department of Education
> #804-786-0272
>
> ---------- Forwarded message ---------
> From: **FOIA, rr** <foia@doe.virginia.gov>
> Date: Wed, Jan 19, 2022 at 12:39 PM
> Subject: Fwd: FOIA request - CRT emails
> To: Donald Fairheart <donald.fairheart@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>
>
> Good afternoon,
>
> Please the FOIA request below. I am requesting the the Dept. of Data, Research and Technology conduct a search for the requested emails. The time frame for this search is January 13, 2022 through close of business January 18, 2022.
>
> Please let me know if you have any questions.
>
> ---------- Forwarded message ---------
> From: **Ben Paviour** <bpaviour@vpm.org>
> Date: Tue, Jan 18, 2022 at 2:42 PM
> Subject: FOIA request - CRT emails
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> Hi Rebecca,
>
> I'd like to request the following records:
>
> 1. Copies of any emails in the accounts of both Jillian Balow or Elizabeth Schultz containing the phrase "Critical Race Theory" or "divisive concepts" from 1/13/22 to the date this request is fulfilled.
>
> I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.
>
> That said, please let me know if there will be any costs associated with this request or if you have any questions.
>
> Best,
> Ben
>
> **Ben Paviour**
> State Politics Reporter
> Phone 434.282.9472
>
> **VPM** | Virginia's home for public media
> 23 Sesame Street, Richmond, Virginia 23235
> VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/14/2022 11:04:13 AM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

---

on - waiting to join you.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Mon, Feb 14, 2022 at 9:52 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> We are scheduled to meet at 10:00 a.m. this morning. Join us if you are able. If you need us to schedule a separate meeting later today, please let us know.
>
> Thank you!
> Rebecca Askew
>
> Office of Policy is inviting you to a scheduled Zoom meeting.
>
> Topic: FOIA Check-in
> Time: This is a recurring meeting Meet anytime
>
> Join Zoom Meeting
> https://doe-virginia-gov.zoom.us/j/82677181246?pwd=MDZyaURFWUNRRUJJOUJGNnRrd2NEdz09
>
> Meeting ID: [redacted]
> Passcode: [redacted]
> One tap mobile
> +16465588656,,82677181246#,,,,*043410# US (New York)
> +13017158592,,82677181246#,,,,*043410# US (Washington DC)
>
> Dial by your location
> +1 646 558 8656 US (New York)
> +1 301 715 8592 US (Washington DC)
> +1 312 626 6799 US (Chicago)
> +1 669 900 9128 US (San Jose)
> +1 253 215 8782 US (Tacoma)
> +1 346 248 7799 US (Houston)
> 877 853 5257 US Toll-free
> 888 475 4499 US Toll-free
> Meeting ID: 826 7718 1246
> Passcode: 043410
> Find your local number: https://doe-virginia-gov.zoom.us/u/kH5wjpZp9
>
> On Mon, Feb 14, 2022 at 9:03 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > Thanks Rebecca. Do you all have time to do a Zoom today to discuss our process? I want to make sure we don't miss anything with all the parties involved in this process.
> >
> > On Mon, Feb 14, 2022 at 7:01 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > Good morning, ? Or
> > >
> > > Would you like to continue receiving (and sending to the Governor's Office) all FOIA's that the Policy Office receives? Or just those related to the Supt's Office, agency-wide FOIA, and hot topics?
> > >
> > > Please know that the Policy Office does not handle every FOIA request sent to VDOE. If one of our Divisions receive a request that is specific to their office (noncontroversial, does not require an email search, and is for records that are requested routinely) that office responds directly to the requester and Policy is not involved unless a cost is incurred.
> > >
> > > Sincerely,
> > > Rebecca S. Askew
> > >
> > >
> > >
> > > On Thu, Feb 10, 2022 at 9:15 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > Team,
> > > >
> > > > We just sent a lot of these over, thank you for doing that. In order to stay on top of our deadlines, each morning can you please send an email out with the requests that are running up on the deadline?
> > > >
> > > > On Thu, Feb 10, 2022 at 9:04 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > > > I am in the office all day today. Let me know when you want to chat.
> > > > >
> > > > > Rebecca A.
> > > > >
> > > > > On Wed, Feb 9, 2022 at 9:57 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > > > Let's chat in the morning please.
> > > > > >
> > > > > > On Wed, Feb 9, 2022 at 3:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > > > > > Dicky,
> > > > > > >
> > > > > > > I am following up on this FOIA request. Can Dave move forward with an email search?

AMERICAN OVERSIGHT

Thank you!
Rebecca Askew

On Tue, Feb 8, 2022 at 4:57 PM FOIA, rr <foia@doe.virginia.gov> wrote:
Good afternoon,

Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.

Sincerely,
Rebecca Askew

---------- Forwarded message ---------
From: **Ben Paviour** <bpaviour@vpm.org>
Date: Tue, Feb 8, 2022 at 4:20 PM
Subject: FOIA request - VPM
To: FOIA, rr <foia@doe.virginia.gov>

Hi Rebecca,

I'd like to request the following records:

1. Any correspondence related to the fulfilling of my FOIA request dated 1/18/22
2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.

Please let me know if there will be any costs associated with this request or if you have any questions.

Best,
Ben

Ben Paviour
State Politics Reporter
Phone 434.282.9472

VPM | Virginia's home for public media
23 Sesame Street, Richmond, Virginia 23235
VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/14/2022 11:02:55 AM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Will do, thank you.

On Mon, Feb 14, 2022 at 7:52 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> We are scheduled to meet at 10:00 a.m. this morning. Join us if you are able. If you need us to schedule a separate meeting later today, please let us know.
>
> Thank you!
> Rebecca Askew
>
> Office of Policy is inviting you to a scheduled Zoom meeting.
>
> Topic: FOIA Check-in
> Time: This is a recurring meeting Meet anytime
>
> Join Zoom Meeting
> https://doe-virginia-gov.zoom.us/j/82677181246?pwd=MDZyaURFWUNRRUJJOUJGNnRrd2NEdz09
>
> Meeting ID: [redacted]
> Passcode: [redacted]
> One tap mobile
> +16465588656,,82677181246#,,,,*043410# US (New York)
> +13017158592,,82677181246#,,,,*043410# US (Washington DC)
>
> Dial by your location
> +1 646 558 8656 US (New York)
> +1 301 715 8592 US (Washington DC)
> +1 312 626 6799 US (Chicago)
> +1 669 900 9128 US (San Jose)
> +1 253 215 8782 US (Tacoma)
> +1 346 248 7799 US (Houston)
> 877 853 5257 US Toll-free
> 888 475 4499 US Toll-free
> Meeting ID: 826 7718 1246
> Passcode: 043410
> Find your local number: https://doe-virginia-gov.zoom.us/u/kH5wjpZp9
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> On Mon, Feb 14, 2022 at 9:03 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
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> > > > > > > > Sincerely,
> > > > > > > > Rebecca Askew

AMERICAN OVERSIGHT

---------- Forwarded message ---------
From: **Ben Paviour** <bpaviour@vpm.org>
Date: Tue, Feb 8, 2022 at 4:20 PM
Subject: FOIA request - VPM
To: FOIA, rr <foia@doe.virginia.gov>

Hi Rebecca,

I'd like to request the following records:

1. Any correspondence related to the fulfilling of my FOIA request dated 1/18/22
2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.

Please let me know if there will be any costs associated with this request or if you have any questions.

Best,
Ben

Ben Paviour
State Politics Reporter
Phone 434.282.9472

VPM | Virginia's home for public media
23 Sesame Street, Richmond, Virginia 23235
VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/14/2022 10:03:04 AM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Thanks Rebecca. Do you all have time to do a Zoom today to discuss our process? I want to make sure we don't miss anything with all the parties involved in this process.

On Mon, Feb 14, 2022 at 7:01 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, ? Or
>
> Would you like to continue receiving (and sending to the Governor's Office) all FOIA's that the Policy Office receives? Or just those related to the Supt's Office, agency-wide FOIA, and hot topics?
>
> Please know that the Policy Office does not handle every FOIA request sent to VDOE. If one of our Divisions receive a request that is specific to their office (noncontroversial, does not require an email search, and is for records that are requested routinely) that office responds directly to the requester and Policy is not involved unless a cost is incurred.
>
> Sincerely,
> Rebecca S. Askew
>
>
>
> On Thu, Feb 10, 2022 at 9:15 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
>
> > Team,
> >
> > We just sent a lot of these over, thank you for doing that. In order to stay on top of our deadlines, each morning can you please send an email out with the requests that are running up on the deadline?
> >
> > On Thu, Feb 10, 2022 at 9:04 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> >
> > > I am in the office all day today. Let me know when you want to chat.
> > >
> > > Rebecca A.
> > >
> > > On Wed, Feb 9, 2022 at 9:57 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > >
> > > > Let's chat in the morning please.
> > > >
> > > > On Wed, Feb 9, 2022 at 3:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > >
> > > > > Dicky,
> > > > >
> > > > > I am following up on this FOIA request. Can Dave move forward with an email search?
> > > > >
> > > > > Thank you!
> > > > > Rebecca Askew
> > > > >
> > > > > On Tue, Feb 8, 2022 at 4:57 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > > >
> > > > > > Good afternoon,
> > > > > >
> > > > > > Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.
> > > > > >
> > > > > > Sincerely,
> > > > > > Rebecca Askew
> > > > > >
> > > > > > ---------- Forwarded message ---------
> > > > > > From: **Ben Paviour** <bpaviour@vpm.org>
> > > > > > Date: Tue, Feb 8, 2022 at 4:20 PM
> > > > > > Subject: FOIA request - VPM
> > > > > > To: FOIA, rr <foia@doe.virginia.gov>
> > > > > >
> > > > > >
> > > > > > Hi Rebecca,
> > > > > >
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> > > > > >
> > > > > > Please let me know if there will be any costs associated with this request or if you have any questions.
> > > > > >
> > > > > > Best,
> > > > > > Ben
> > > > > >
> > > > > >
> > > > > > **Ben Paviour**
> > > > > > State Politics Reporter
> > > > > > Phone 434.282.9472
> > > > > >
> > > > > > **VPM** | Virginia's home for public media
> > > > > > 23 Sesame Street, Richmond, Virginia 23235
> > > > > > VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/10/2022 10:15:41 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Team,

We just sent a lot of these over, thank you for doing that. In order to stay on top of our deadlines, each morning can you please send an email out with the requests that are running up on the deadline?

On Thu, Feb 10, 2022 at 9:04 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> I am in the office all day today. Let me know when you want to chat.
>
> Rebecca A.
>
> On Wed, Feb 9, 2022 at 9:57 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > Let's chat in the morning please.
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> > > Dicky,
> > >
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> > >
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> > > > Good afternoon,
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> > > > Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.
> > > >
> > > > Sincerely,
> > > > Rebecca Askew
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Ben Paviour** <bpaviour@vpm.org>
> > > > Date: Tue, Feb 8, 2022 at 4:20 PM
> > > > Subject: FOIA request - VPM
> > > > To: FOIA, rr <foia@doe.virginia.gov>
> > > >
> > > >
> > > > Hi Rebecca,
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> > > > 1. Any correspondence related to the fulfilling of my FOIA request dated 1/18/22
> > > > 2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.
> > > >
> > > > Please let me know if there will be any costs associated with this request or if you have any questions.
> > > >
> > > > Best,
> > > > Ben
> > > >
> > > >
> > > > **Ben Paviour**
> > > > State Politics Reporter
> > > > Phone 434.282.9472
> > > >
> > > > **VPM** | Virginia's home for public media
> > > > 23 Sesame Street, Richmond, Virginia 23235
> > > > VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/9/2022 10:56:57 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Let's chat in the morning please.

On Wed, Feb 9, 2022 at 3:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Dicky,
>
> I am following up on this FOIA request. Can Dave move forward with an email search?
>
> Thank you!
> Rebecca Askew
>
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> > Date: Tue, Feb 8, 2022 at 4:20 PM
> > Subject: FOIA request - VPM
> > To: FOIA, rr <foia@doe.virginia.gov>
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> > 2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.
> >
> > Please let me know if there will be any costs associated with this request or if you have any questions.
> >
> > Best,
> > Ben
> >
> >
> > **Ben Paviour**
> > State Politics Reporter
> > Phone 434.282.9472
> >
> > **VPM** | Virginia's home for public media
> > 23 Sesame Street, Richmond, Virginia 23235
> > VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:19:42 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Yes, please proceed. And invoke extension.

On Wed, Feb 16, 2022 at 9:19 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> Following up on this one. Can Dave move forward with his email search? There are similar FOIA requests, however, the date range is a little different.
>
> Rebecca Askew
>
> On Wed, Feb 9, 2022 at 5:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > Dicky,
> >
> > I am following up on this FOIA request. Can Dave move forward with an email search?
> >
> > Thank you!
> > Rebecca Askew
> >
> > On Tue, Feb 8, 2022 at 4:57 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > Good afternoon,
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> > > Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.
> > >
> > > Sincerely,
> > > Rebecca Askew
> > >
> > > ---------- Forwarded message ---------
> > > From: **Ben Paviour** <bpaviour@vpm.org>
> > > Date: Tue, Feb 8, 2022 at 4:20 PM
> > > Subject: FOIA request - VPM
> > > To: FOIA, rr <foia@doe.virginia.gov>
> > >
> > >
> > > Hi Rebecca,
> > >
> > > I'd like to request the following records:
> > >
> > > 1. Any correspondence related to the fulfilling of my FOIA request dated 1/18/22
> > > 2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.
> > >
> > > Please let me know if there will be any costs associated with this request or if you have any questions.
> > >
> > > Best,
> > > Ben
> > >
> > >
> > > **Ben Paviour**
> > > State Politics Reporter
> > > Phone 434.282.9472
> > >
> > > **VPM** | Virginia's home for public media
> > > 23 Sesame Street, Richmond, Virginia 23235
> > > VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:57:32 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request Feb. 2, 2022

Approved.

On Thu, Feb 3, 2022 at 9:24 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, Dicky:
>
> I hope this message finds you well. Please see the below FOIA request we received this morning from a reporter with The Daily Progress for copies of all "electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2."
>
> At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Should any responsive emails be identified, I will ensure that you have an opportunity to review them prior to release. Without an extension, our response will be due by or before next **Thursday, February 10th.**
>
> Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Katherine Knott** <kknott@dailyprogress.com>
> Date: Wed, Feb 2, 2022 at 9:40 PM
> Subject: FOIA Request Feb. 2, 2022
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> Feb. 2, 2022?
>
> Dear Rebecca Askew,
>
> Under the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 and following, I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2.
>
> ?If you determine that only portions of a file are exempted from release, I request that I be provided with all non-exempt portions or redacted versions as well as the specific exemption you are citing. I reserve my right to object to any withholding or deletion of information.
>
> Please provide an estimate of costs prior to meeting my request.
>
> If you have any questions concerning this request, please call me at (434) 422-7298.
>
> I look forward to your response within five days as provided by the Act.
>
> Sincerely,
>
> Katherine Knott?
>
> ---
>
> Katherine Knott
> K-12 Reporter | The Daily Progress
> O: (434) 978-7263 | M: (434) 422-7398
> kknott@dailyprogress.com | www.dailyprogress.com<http://www.dailyprogress.com>

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 12:00:33 PM
To: "Myers, David" <dave.myers@doe.virginia.gov>
Cc:
Subject: Re: FOIA request from AP

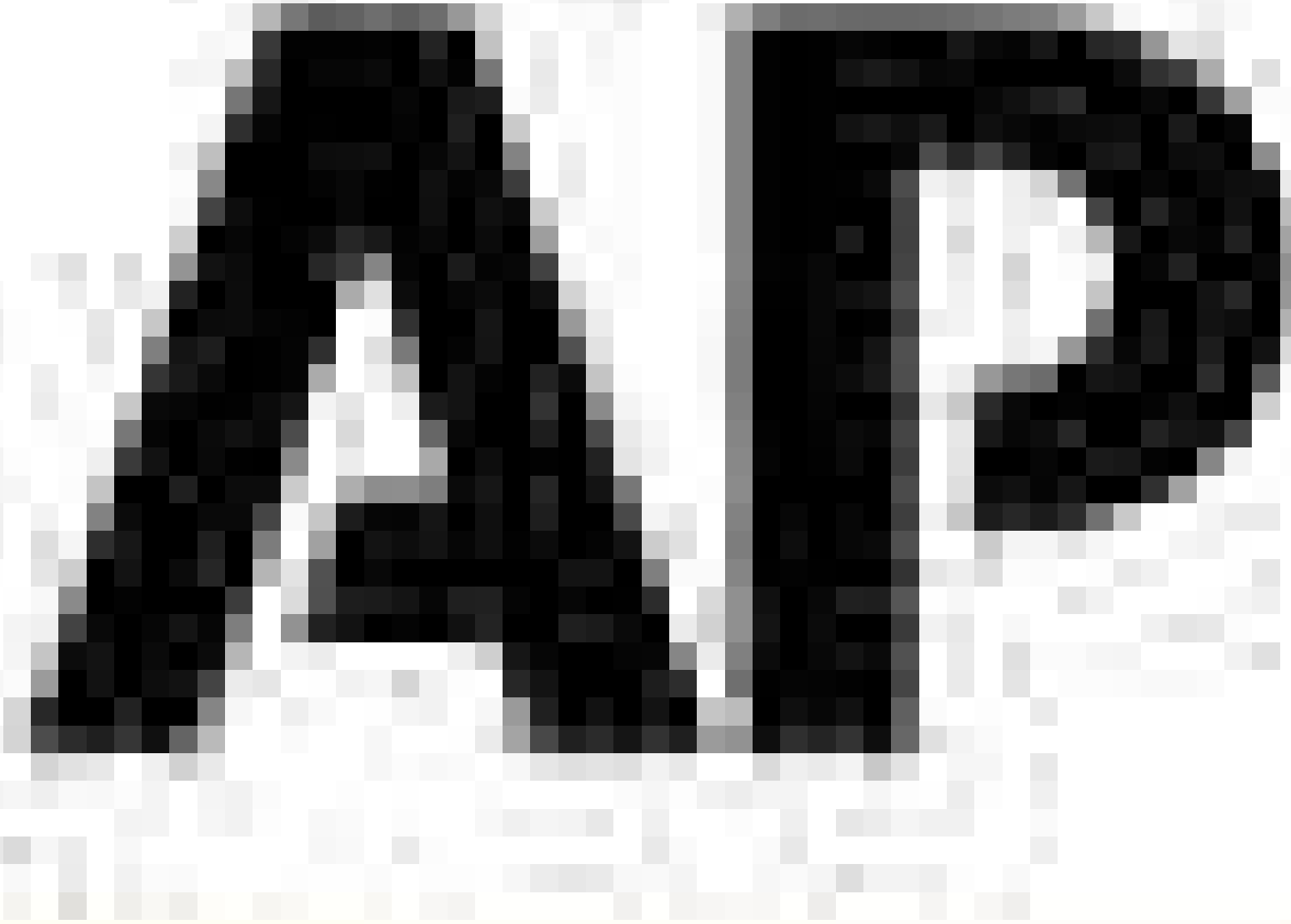
Attachments: image003.png

---

when you get to your office can i call you to setup my phone?

On Tue, Jan 25, 2022 at 9:00 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

> Yes, I approve. Thank you.
>
> On Tue, Jan 25, 2022 at 8:59 AM Myers, David <dave.myers@doe.virginia.gov> wrote:
>
> > Dicky,
> >
> > Here is another one I need to complete. Can you approve the following?
> >
> > 1. Emails concerning JB and ES concerning "Critical Race Theory" or "divisive concepts" from January 15-18.
> > 2. This request is for correspondence to and from the VDOE/Gov Office on communication with the media. Jan 15-24.
> >
> > Thanks,
> > Dave
> >
> > ---------- Forwarded message ---------
> > From: **FOIA, rr** <foia@doe.virginia.gov>
> > Date: Mon, Jan 24, 2022 at 5:28 PM
> > Subject: Fwd: FOIA request from AP
> > To: Myers, David <dave.myers@doe.virginia.gov>, Donald Fairheart <donald.fairheart@doe.virginia.gov>
> >
> > Please see the FOIA request below. Per our normal process, please pull the requested emails.
> >
> > Rebecca Askew
> >
> > ---------- Forwarded message ---------
> > From: **Rankin, Sarah** <SRankin@ap.org>
> > Date: Mon, Jan 24, 2022 at 2:17 PM
> > Subject: FOIA request from AP
> > To: foia@doe.virginia.gov <foia@doe.virginia.gov>
> >
> > By email, Jan. 24, 2022
> >
> > Dear Ms. Askew,
> >
> > This is a request under the Virginia Freedom of Information Act and under the common law right of access. I am making this request in my capacity as a full-time, Richmond-based journalist with The Associated Press.
> >
> > Pursuant to the Act, I am requesting the following: Any emails between any member of the governor's office and any VDOE employee that involve a discussion of protocols for communicating with the media or general public. This request is limited to Jan. 15 to present.
> >
> > I would like to receive the information electronically if possible. I also ask that you waive any and all fees associated with this request. If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed $50.
> >
> > Please let me know if you have any questions. I'm reachable by email or at the number below. Thank you in advance for your assistance.
> >
> > **Sarah Rankin**
> >
> > reporter
> >
> > 10 E. Franklin St.
> >
> > Richmond, VA 23219
> >
> > T 804.436.6609
> >
> > srankin@ap.org
> > apnews.com
> >
> > The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.



AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 12:00:11 PM
To: "Myers, David" <dave.myers@doe.virginia.gov>
Cc:
Subject: Re: FOIA request from AP

Attachments: image003.png

Yes, I approve. Thank you.

On Tue, Jan 25, 2022 at 8:59 AM Myers, David <dave.myers@doe.virginia.gov> wrote:

> Dicky,
>
> Here is another one I need to complete. Can you approve the following?
>
> 1. Emails concerning JB and ES concerning "Critical Race Theory" or "divisive concepts" from January 15-18.
> 2. This request is for correspondence to and from the VDOE/Gov Office on communication with the media. Jan 15-24.
>
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> Dave
>
> ---------- Forwarded message ---------
> From: **FOIA, rr** <foia@doe.virginia.gov>
> Date: Mon, Jan 24, 2022 at 5:28 PM
> Subject: Fwd: FOIA request from AP
> To: Myers, David <dave.myers@doe.virginia.gov>, Donald Fairheart <donald.fairheart@doe.virginia.gov>
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> Please see the FOIA request below. Per our normal process, please pull the requested emails.
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> Rebecca Askew
>
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> Date: Mon, Jan 24, 2022 at 2:17 PM
> Subject: FOIA request from AP
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> By email, Jan. 24, 2022
>
> Dear Ms. Askew,
>
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> Pursuant to the Act, I am requesting the following: Any emails between any member of the governor's office and any VDOE employee that involve a discussion of protocols for communicating with the media or general public. This request is limited to Jan. 15 to present.
>
> I would like to receive the information electronically if possible. I also ask that you waive any and all fees associated with this request. If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed $50.
>
> Please let me know if you have any questions. I'm reachable by email or at the number below. Thank you in advance for your assistance.
>
> **Sarah Rankin**
>
> reporter
>
> 10 E. Franklin St.
>
> Richmond, VA 23219
>
> T 804.436.6609
>
> srankin@ap.org
> apnews.com
>
> The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:47:29 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request

Approved

On Thu, Feb 3, 2022 at 1:11 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon, Dicky:
>
> Please see the below Virginia FOIA request we received earlier today for copies of "any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts regarding the ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH." I am currently waiting for the requester to confirm the intended date range for this request.
>
> **At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Are you also able to assist me with identifying any individuals who may have other responsive records that would not be captured in an email search, and/or assist with obtaining any such records from these individuals?**
>
> Without an extension, our response will be due by or before next Thursday, February 10th. Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Matthew Sommer** <matthew.john.sommer@gmail.com>
> Date: Thu, Feb 3, 2022 at 8:47 AM
> Subject: Re: FOIA Request
> To: FOIA, rr <foia@doe.virginia.gov>
>
>
> Hello Rebecca,
>
> Matthew Sommer
> 949 Glenwood station lane
> #101
> Charlottesville, VA 22901
>
>
>
> On Thu, Feb 3, 2022 at 8:20 AM FOIA, rr <foia@doe.virginia.gov> wrote:
>
> > Good morning, Mr. Sommer:
> >
> > I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
> >
> > Have a good day.
> >
> > Best regards,
> > Rebecca Westfall
> >
> > On Wed, Feb 2, 2022 at 10:26 PM Matthew Sommer <matthew.john.sommer@gmail.com> wrote:
> >
> > > Hello,
> > >
> > > Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.
> > >
> > > Regarding:
> > >
> > > The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH
> > >
> > > Please let me know if there is any expected charge.
> > >
> > > I am willing to accept this request digitally.
> > >
> > > Thank You,
> > > Matthew Sommer

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:40:32 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request

Approved.

On Thu, Feb 3, 2022 at 3:26 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good evening, Dicky:
>
> I promise this is the last request I will send you today. Please see the below Virginia FOIA request we received earlier today for copies of "all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov" from the time of its creation to February 2nd.
>
> **If you approve of an agency-wide email search for any responsive emails, I will work with Dave Myers to complete the necessary search.**
>
> I appreciate your help. I hope you have a good evening!
>
> Best,
> Rebecca W.
> ---------- Forwarded message ---------
> From: **Tim Hickey** <timhickeyteacher@gmail.com>
> Date: Thu, Feb 3, 2022 at 11:33 AM
> Subject: Re: FOIA Request
> To: FOIA, rr <foia@doe.virginia.gov>
>
> Thank you,Rebecca. My address is 4765 Ragged Mountain Lane, Charlottesville, VA 22903.
>
> -Tim Hickey
>
> On Thu, Feb 3, 2022 at 11:30 AM FOIA, rr <foia@doe.virginia.gov> wrote:
>
> > Good morning, Mr. Hickey:
> >
> > I am writing to confirm receipt of your revised Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
> >
> > Have a good afternoon.
> >
> > Best regards,
> > Rebecca Westfall
> >
> > On Thu, Feb 3, 2022 at 10:55 AM Tim Hickey <timhickeyteacher@gmail.com> wrote:
> >
> > > Thank you for clarifying. In that case, I request all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov. Thank you.
> > >
> > > On Thu, Feb 3, 2022 at 10:08 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> > >
> > > > Good morning, Mr. Hickey:
> > > >
> > > > I hope this message finds you well. I am writing in response to your Virginia FOIA request below for copies of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation through yesterday. Please be advised that this email account is maintained by the Office of the Governor, not the Virginia Department of Education. Accordingly, please direct this request to the Office of the Governor (please see their contact information below).
> > > >
> > > > **BY EMAIL**
> > > > FOIA@governor.virginia.gov with the phrase "FOIA Request" included in the subject line of the email.
> > > >
> > > > **BY MAIL**
> > > > Office of the Governor
> > > > Patrick Henry Building
> > > > 1111 East Broad Street
> > > > Richmond, Virginia 23219
> > > >
> > > > **BY PHONE**
> > > > 804-786-2211
> > > >
> > > > **BY FAX**
> > > > 804-786-3985
> > > >
> > > > I hope you have a great rest of the week.
> > > >
> > > > Best regards,
> > > > Rebecca Westfall
> > > >
> > > > On Wed, Feb 2, 2022 at 5:26 PM Tim Hickey <timhickeyteacher@gmail.com> wrote:
> > > >
> > > > > Good evening. Pursuant to VA Code Section 2.2-3704, please send me a copy of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation to today. An electronic copy (e.g. PDF, will suffice).
> > > > >
> > > > > Thank you.
> > > > >
> > > > > Tim Hickey
> > > > > (434)566-3382

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:46:58 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA request

Attachments: Outlook-1rvbmoep.png

Approved, thank you.

On Thu, Feb 3, 2022 at 1:19 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon, Dicky:
>
> Please see the below Virginia FOIA request we received earlier today from WAVY-WVBT for: (1) "copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1; and (2) "copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line." I am currently waiting for the reporter to confirm the intended date range for this request.
>
> **At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Are you also able to assist me with identifying any individuals who may have other responsive records that would not be captured in an email search, and/or assist with obtaining any such records from these individuals?**
>
> Without an extension, our response will be due by or before next Thursday, February 10th. Thank you in advance for your help!
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **FOIA, rr** <foia@doe.virginia.gov>
> Date: Thu, Feb 3, 2022 at 1:40 PM
> Subject: Re: FOIA request
> To: <Adrienne.Mayfield@wavy.com>
>
> Good afternoon:
>
> I hope this message finds you well. Mr. Pyle forwarded me your Virginia FOIA request below. By way introduction, my name is Rebecca Westfall and I am the Agency Compliance and FOIA Specialist with VDOE's Office of Policy. We kindly request that you please confirm the intended date range for this request. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
>
> Have a great afternoon.
>
> Best regards,
> Rebecca Westfall
>
> ---------- Forwarded message ---------
> From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
> Date: Thu, Feb 3, 2022 at 10:45 AM
> Subject: FOIA request
> To: Charles.Pyle@doe.virginia.gov <charles.pyle@doe.virginia.gov>
> Cc: Jon Dowding <Jon.Dowding@wavy.com>
>
> Good morning,
>
> I am making a request under the Freedom of Information Act.
>
> I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.
>
> I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line.
>
> I am requesting that your office waive any fees associated with this request; however, if you choose to charge for this request, I would like an estimated cost ahead of its fulfillment.
>
> Thank you,
>
> **Adrienne Mayfield**
> Executive Producer of Investigations and Special Projects
> WAVY-TV 10/WVBT FOX43
> 300 WAVY Street
> Portsmouth, VA 23704
> 757-673-5425 Office
> adrienne.mayfield@wavy.com
>
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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:58:39 PM
To: "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Cc: "Pyle, Charles" <charles.pyle@doe.virginia.gov>, "FOIA, rr" <foia@doe.virginia.gov>
Subject: Re: FOIA request

Attachments: Outlook-1rvbmoep.png

Thanks

On Thu, Feb 3, 2022 at 8:53 AM Ken Blackstone <ken.blackstone@doe.virginia.gov> wrote:

> Thanks, Charles.
>
> Rebecca, this request goes beyond a simple media request so we'll need to employ Dave's team for the discovery. I'm copying Dicky Shanor for his awareness.
>
> Sincerely,
>
> Ken
>
> On Thu, Feb 3, 2022 at 10:48 AM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:
>
> > FOIA on EO #1
> >
> > Charles B. Pyle
> > Director of Media Relations
> > Virginia Department of Education
> > Charles.Pyle@doe.virginia.gov
> > (804) 371-2420
> > (804) 640-2117 mobile
> >
> > ---------- Forwarded message ---------
> > From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
> > Date: Thu, Feb 3, 2022 at 10:45 AM
> > Subject: FOIA request
> > To: Charles.Pyle@doe.virginia.gov <charles.pyle@doe.virginia.gov>
> > Cc: Jon Dowding <Jon.Dowding@wavy.com>
> >
> > Good morning,
> >
> > I am making a request under the Freedom of Information Act.
> >
> > I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.
> >
> > I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line.
> >
> > I am requesting that your office waive any fees associated with this request; however, if you choose to charge for this request, I would like an estimated cost ahead of its fulfillment.
> >
> > Thank you,
> >
> > **Adrienne Mayfield**
> > Executive Producer of Investigations and Special Projects
> > WAVY-TV 10/WVBT FOX43
> > 300 WAVY Street
> > Portsmouth, VA 23704
> > 757-673-5425 Office
> > adrienne.mayfield@wavy.com
> >
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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/1/2022 2:29:09 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc:
Subject: Re: FOIA request

Attachments: image001.png ,image002.png

Approved.

On Mon, Feb 28, 2022 at 3:58 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon, Dicky:
>
> I hope you had a nice weekend. Please see the below FOIA request we received from Janet Roach with Channel 13 News Now this afternoon. Based on the scope of her request, I am seeking approval for Dave Myers to conduct the appropriate email search for any responsive emails.
>
> Please let me know if you have any questions or concerns regarding this request. I appreciate your help!
>
> Best,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Roach, Janet** <jroach@13newsnow.com>
> Date: Mon, Feb 28, 2022 at 2:14 PM
> Subject: FOIA request
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> Hello,
>
> Under the Virginia Freedom of Information Act, §2.2-3704 et seq., I am requesting an opportunity to inspect or obtain copies of public records.
>
> I respectfully request emails sent or received by Secretary of Education Aimee Guidera, Superintendent of Public Instruction, Jillian Balow and Assistant Superintendent of Public Instruction, Elizabeth Schultz between January 15, 2022 and present day regarding the creation, use, submission and implementation of the Interim Report on Inherently Divisive Policies, Programs, Training, and Curricula.
>
> Separately, I would like to request emails sent or received by the above individuals and Governor Glenn Youngkin, during the same time period, containing the following phrases:
>
> -critical race theory (CRT)
>
> -EdEquityVA
>
> -inherently divisive concepts or divisive concepts/ policies
>
> Furthermore, I would like to request emails sent or received by VDOE employees, during the same time period, regarding the Commission on African American History Education in the Commonwealth (AAHEC) and its August 2020 report to the Department of Education.
>
> If there are any fees for searching or copying these records, please inform me. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. This information is not being sought for commercial purposes.
>
> The Virginia Freedom of Information Act requires a response to this request be made within five business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.
>
> If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
>
> Thank you for considering my request.
>
> **JANET ROACH**
>
> Anchor
>
> 13NN_85percent
>
> | 613 Woodis Ave, Norfolk, VA 23510
> jroach@13newsnow.com | P. 757.628.6205 | @13JanetRoach | 13NewsNow.com
> cell-410-804-9423

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/2/2022 10:16:48 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: FOIA Request

Approved, thanks.

On Wed, Feb 2, 2022 at 2:14 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon:
>
> Please see below for the second FOIA request we received this afternoon, which is seeking copies of all helpeducation@governor.virginia.gov emails that have been passed on to VDOE. At your earliest opportunity, I kindly request that you advise whether you approve of an agency-wide email search for any responsive records.
>
> Thank you in advance for your help!
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Maggie Reeder-Thornton** <margaret.e.thornton@gmail.com>
> Date: Wed, Feb 2, 2022 at 3:38 PM
> Subject: FOIA Request
> To: <foia@doe.virginia.gov>
>
>
> Hello!
>
> I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
>
> With thanks,
> Margaret Thornton
> 332 10 1/2 St. NW
> Charlottesville, VA 22903
> --
> Maggie Reeder-Thornton, Ph.D.
> Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
> she/her/hers (What is this?)

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/2/2022 10:15:50 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA request

Approved, thank you. And no need to apologize, I know you are busy!

On Wed, Feb 2, 2022 at 3:01 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good evening, Mr. Shanor:
>
> I apologize for bombarding you with emails this afternoon. I just wanted to make you aware of a third request we just received, which is identical to the last one I forwarded you.
>
> Thank you in advance for your help!
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **tim thornton** <timothywthornton@gmail.com>
> Date: Wed, Feb 2, 2022 at 4:55 PM
> Subject: FOIA request
> To: <foia@doe.virginia.gov>
>
>
> Hello!
>
> I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
>
> With thanks,
> Tim Thornton
> 3760 Oldtown Road
> Shawsville, VA 24162
> Sent from my iPhone
>
>
> Sent from my iPhone

AMERICAN OVERSIGHT

From: Sharon, Richard <dicky.sharon@doe.virginia.gov>
Sent: 2/2/2022 10:17:29 PM
To: "FOIA, DOE" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA request: Records related to Governor's tip line

Approved, thank you Rebecca.

On Wed, Feb 2, 2022 at 2:11 PM FOIA, DOE <foia@doe.virginia.gov> wrote:

Good afternoon, Mr. Sharon:

I hope this message finds you well. Welcome to VDOE. I have not had an opportunity to meet you in person, so by way of introduction, I am Rebecca Westfall, the Agency Compliance & FOIA Specialist with the Office of Policy. I work closely with Rebecca Ashew on FOIA requests received by the department.

VDOE received the below FOIA request this afternoon for copies of any internal VDOE paperwork related to the helpeducation@governor.virginia.gov email address. The below request was also sent directly to the FOIA email address for the Governor's Office. Without an extension, our response will be due by or before next Wednesday, February 9th.

As I believe you are aware, in order to search for any responsive electronic correspondence, we typically work with Dave Myers, the Assistant Superintendent of Data, Research and Technology, who conducts an agency-wide search for any responsive emails. At your earliest opportunity, I kindly request that you advise whether you approve of the current process and the subject email search. I would also appreciate your assistance with identifying any individuals who may have responsive records that would not be captured in an email search.

I will be forwarding you another similar FOIA request for review and approval momentarily. Should you have any questions or concerns, please do not hesitate to contact me (rebecca.westfall@doe.virginia.gov or (804) 225-3614) I greatly appreciate your help. I look forward to working with you.

Best regards,
Rebecca Westfall

---------- Forwarded message ---------
From: **David Walrod** <dpwalrodfof.3@gmail.com>
Date: Wed, Feb 2, 2022 at 3:04 PM
Subject: FOIA request: Records related to Governor's tip line
To: <foia@doe.virginia.gov>, <FOIA@governor.virginia.gov>

On January 24, 2022, Governor Youngkin announced on conservative radio his intention to set up an email address intended to report schools or teachers for "inherently divisive practices." This email has since been announced publicly. I would like to request copies of any emails sent or received by the email address, helpeducation@governor.virginia.gov, as well as any internal VDOE paperwork related to this email address.

David Walrod

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 5:46:28 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc:
Subject: Re: FOIA request

Approved for Dave to pull emails, thanks.

On Wed, Mar 2, 2022 at 2:10 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon,
>
> I am following up on this request for approval for this FOIA request. I will work with Dave once you approve.
>
> Rebecca Askew
>
> On Wed, Feb 23, 2022 at 3:51 PM FOIA, rr <foia@doe.virginia.gov> wrote:
>
> > Please find a second FOIA request received from Kate Masters on Tuesday, February 22. Upon further review, she is also seeking emails, attachments, etc. (highlighted below).
> >
> > I am requesting approval for Dave Myers to conduct the appropriate email search for these records.
> >
> > Sincerely,
> > Rebecca S. Askew
> >
> > ---------- Forwarded message ---------
> > From: **Kate Masters** <kmasters@virginiamercury.com>
> > Date: Mon, Feb 21, 2022 at 10:38 AM
> > Subject: FOIA request
> > To: FOIA, rr <foia@doe.virginia.gov>
> > Cc: Pyle, Charles <charles.pyle@doe.virginia.gov>
> >
> >
> > Hello,
> >
> > This is Kate Masters with the Virginia Mercury. Under the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 and following, I'm requesting a copy of the report on "any policies, programs, training, or curricula that falls within the definition of inherently divisive concepts" that Superintendent Balow was directed to provide to the governor and Secretary Guidera in Executive Order 1.
> >
> > I'm also requesting electronic copies of emails and attachments, including but not limited to voicemails, exchanged between Superintendent Balow, the governor's office, and/or Secretary Guidera between Feb. 15, 2022 and Feb. 20, 2022 related to the report.
> >
> > If you determine that only portions of a file are exempted from release, I request that I be provided with all non-exempt portions or redacted versions. I reserve my right to object to any withholding or deletion of information.
> >
> > Please provide an estimate of costs prior to meeting my request.
> >
> > If you have any questions concerning this request, please call me at 571-643-4275 or email kmasters@virginiamercury.com. My mailing address is as follows:
> >
> > Kate Masters
> > 1011 E. Main St., Suite 401
> > Richmond, VA 23219
> >
> > I look forward to your response within five days as provided by the Act.
> >
> > Sincerely,
> >
> > Kate Masters
> >
> > --
> > Kate Masters
> > Virginia Mercury
> > 571-643-4275

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 10:06:33 AM
To: "Sarah Spota" <sarah.spota@governor.virginia.gov>
Cc: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Bean, Jennifer" <jennifer.bean@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>, "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>, "Stewart, Coke M." <CStewart@oag.state.va.us>, "Tysinger, Allyson K." <ATysinger@oag.state.va.us>, "Love, Deborah A." <DLove@oag.state.va.us>
Subject: Re: Fort Belvoir Elementary students required to wear masks despite Virginia's executive order

---

Thank you for sharing

On Wed, Mar 2, 2022 at 7:40 AM Sarah Spota <sarah.spota@governor.virginia.gov> wrote:

> Just know that this story will start picking up more steam.
>
> Fort Belvoir Elementary students required to wear masks despite Virginia's executive order
>
> https://www.fox5dc.com/news/fort-belvoir-elementary-students-required-to-wear-masks-despite-virginias-executive-order

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/21/2022 10:31:49 AM
To: "Jason Maresh" <jason_maresh@att.net>
Cc: "Superintendent, rr" <superintendent@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "Jason Maresh" <jason_maresh@att.net>
Subject: Re: Isle of Wight Schools; CRT + divisive concepts findings

---

Thank you for sharing sir.

Sincerely,
Dicky Shanor

On Sat, Mar 19, 2022 at 9:49 AM Jason Maresh <jason_maresh@att.net> wrote:

> Superintendent Balow & Staff,
>
> Concerned citizens and parents of Isle of Wight County fully support Governor Youngkin's endeavors to re-focus public education, but 4 (of our 5) school board members refuse to acknowledge our concerns OR comply with Executive Order – One (2022).
>
> Please see the attached "data package" in consideration for your future efforts related to Virginia's public education system. Thank you all in advance for your time and I welcome any comments or suggestions.
>
> Respectfully,
>
> **Jason P. Maresh**
>
> ***Candidate – Isle of Wight Co. School Board Member, District 4***
>
> 151 Hidden Acres Circle
>
> Windsor, Virginia 23487
>
> 619.252.3040
>
> jason_maresh@att.net

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/15/2022 12:14:01 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Loudoun Letter

Attachments: Lettertofightforschools (1).docx

Here you go. Final Draft

On Tue, Mar 15, 2022 at 10:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> I need to send the draft over to OAG to review - could you send me latest or do you want me to add the address? Are there any other changes?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 12:20 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> PO Box 523452
> Springfield, VA 22152

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 11:28 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

> Perfect. Thank you

On Mon, Mar 14, 2022 at 11:24 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> I have - Jon, here are my edits...
> https://docs.google.com/document/d/1RxqnMwTjDrA2tYHK_O4onA069UYWOl6W/edit
> I am getting you a physical address for the letter.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 10:29 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

> Elizabeth,
>
> Have you had a chance to work on this yet?
>
> Thanks,
> Dicky

On Tue, Mar 8, 2022 at 2:04 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and the provided supporting documentation in regards to Loudoun County Public Schools Superintendent Scott Ziegler.

Please know the issues raised in the letter are being monitored very closely. As the Office of the Attorney General (OAG) is currently conducting an investigation of the school district, any decision or action with respect to the Loudoun County School District and Dr. Ziegler will be held until the completion of the OAG's work.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 10:56:56 AM
To: "Spota, Sarah" <sarah.spota@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Re: National Education Association (NEA) Read Across America

---

https://www.independent.co.uk/arts-entertainment/books/news/dr-seuss-racist-joe-biden-read-across-america-day-virginia-b1810163.html

On Wed, Feb 16, 2022 at 7:50 AM Spota, Sarah <sarah.spota@governor.virginia.gov> wrote:

> Let's go read!
>
> ---------- Forwarded message ---------
> From: **Bean, Jennifer** <jennifer.bean@governor.virginia.gov>
> Date: Tue, Feb 15, 2022 at 2:39 PM
> Subject: National Education Association (NEA) Read Across America
> To: Rosalind Mabry <tori.mabry@governor.virginia.gov>, Travis Rickman <travis.rickman@governor.virginia.gov>, Trudy Tolson <trudy.tolson@governor.virginia.gov>, Martin Townes <tutti.townes@governor.virginia.gov>, Aimee Guidera <aimee.guidera@governor.virginia.gov>, Ahmad, Ali <ali.ahmad@governor.virginia.gov>, Aliscia Andrews <aliscia.andrews@governor.virginia.gov>, Amber Salter <amber.salter@governor.virginia.gov>, Stewart, Amy <amy.stewart@governor.virginia.gov>, Andrew Wheeler <andrew.wheeler@governor.virginia.gov>, Angela Sailor <angela.sailor@governor.virginia.gov>, Ashley Traficant <ashley.traficant@governor.virginia.gov>, Becca Glover <becca.glover@governor.virginia.gov>, Beth Green <beth.green@governor.virginia.gov>, Swann, Brian <brian.swann@governor.virginia.gov>, Brook Trible <brook.trible@governor.virginia.gov>, Bryan Slater <bryan.slater@governor.virginia.gov>, Caren Merrick <caren.merrick@governor.virginia.gov>, Maurer, Carlin <carlin.maurer@governor.virginia.gov>, Charles Kennington <charles.kennington@governor.virginia.gov>, Christian Martinez <christian.martinez@governor.virginia.gov>, CJ Sailor <cj.sailor@governor.virginia.gov>, Cody Anderson <cody.anderson@governor.virginia.gov>, Colleen Messick <colleen.messick@governor.virginia.gov>, Corey Scott <corey.scott@governor.virginia.gov>, Craig Crenshaw <craig.crenshaw@governor.virginia.gov>, Denise Burch <denise.burch@governor.virginia.gov>, Denise Cosner <denise.cosner@governor.virginia.gov>, Duncan Getchell <duncan.getchell@governor.virginia.gov>, Duncan Mcgaan <duncan.mcgaan@governor.virginia.gov>, M. Elaina Schramm <elaina.schramm@governor.virginia.gov>, Moeller, Eric <eric.moeller@governor.virginia.gov>, Fernando Espinoza <fernando.espinoza@governor.virginia.gov>, Garrison Coward <garrison.coward@governor.virginia.gov>, Georgia Esposito <georgia.esposito@governor.virginia.gov>, Gilbert An <gigi.an@governor.virginia.gov>, Gloria Senecal <gloria.senecal@governor.virginia.gov>, <gy74@governor.virginia.gov>, Pence, Hallie <hallie.pence@governor.virginia.gov>, Harold Pyon <harold.pyon@governor.virginia.gov>, Isabel Olave <isabel.olave@governor.virginia.gov>, Janet Kelly <janet.kelly@governor.virginia.gov>, Jason Pak <jason.pak@governor.virginia.gov>, Jeff Goettman <jeff.goettman@governor.virginia.gov>, Jennifer Deci <jen.deci@governor.virginia.gov>, Jenna Moon <jenna.moon@governor.virginia.gov>, Jennifer Crown <jennifer.crown@governor.virginia.gov>, Jesse Lynch <jesse.lynch@governor.virginia.gov>, Joanne Hansen <joanne.hansen@governor.virginia.gov>, Lawson, John <john.lawson@governor.virginia.gov>, John Littel <john.littel@governor.virginia.gov>, Jordan Stewart <jordan.stewart@governor.virginia.gov>, Joyce Reed <joyce.reed@governor.virginia.gov>, Julia Norfleet <julia.norfleet@governor.virginia.gov>, Juliana Thomas <juliana.thomas@governor.virginia.gov>, Julie Hammel <julie.hammel@governor.virginia.gov>, June Jennings <june.jennings@governor.virginia.gov>, Kari Ellis <kari.ellis@governor.virginia.gov>, Katie Cardounel <katie.cardounel@governor.virginia.gov>, Kay James <kay.james@governor.virginia.gov>, Kim Tomlin <kim.tomlin@governor.virginia.gov>, Laura Bilbrey <laura.bilbrey@governor.virginia.gov>, Leanne Carroll <leanne.carroll@governor.virginia.gov>, Lee Jackson <lee.jackson@governor.virginia.gov>, Lyn Mcdermid <lyn.mcdermid@governor.virginia.gov>, Macaulay Porter <macaulay.porter@governor.virginia.gov>, Maria Ochoa <maria.ochoa@governor.virginia.gov>, Marlo Burdge <marlo.burdge@governor.virginia.gov>, Martin Townes <martin.townes@governor.virginia.gov>, Maggie Cleary <mary.cleary@governor.virginia.gov>, Matt Moran <matt.moran@governor.virginia.gov>, Lohr, Matthew <matthew.lohr@governor.virginia.gov>, Michael Sargent <michael.sargent@governor.virginia.gov>, Nancy Dye <nancy.dye@governor.virginia.gov>, Nathanael Hirt <nathanael.hirt@governor.virginia.gov>, Nicole Ogburn <nicole.bunceogburn@governor.virginia.gov>, Nicole Riley <nicole.riley@governor.virginia.gov>, Nikki Thacker <nikki.thacker@governor.virginia.gov>, Parker Slaybaugh <parker.slaybaugh@governor.virginia.gov>, Richard Cullen <richard.cullen@governor.virginia.gov>, Robert Mosier <robert.mosier@governor.virginia.gov>, Sarah Spota <sarah.spota@governor.virginia.gov>, Shep Miller <shep.miller@governor.virginia.gov>, Estes, Skip <skip.estes@governor.virginia.gov>, Sonny Daniels <sonny.daniels@governor.virginia.gov>, Stephen Cummings <stephen.cummings@governor.virginia.gov>, Susan Beals <susan.beals@governor.virginia.gov>, <sy74@governor.virginia.gov>, Crabbs, Thomas <thomas.crabbs@governor.virginia.gov>, Rebecca Paramore <rebecca.paramore@governor.virginia.gov>, Holland, Suzanne <suzanne.holland@governor.virginia.gov>
>
> Dear Cabinet Secretaries and Staff,
>
> Please see the attached letter from Read Across America Coordinator, Lola McDowell. This is a wonderful opportunity to read to students at several local elementary and preschools in the Richmond area between February 28 - March 4th.
>
> Secretary Guidera would love for everyone to sign up (if possible) to read to a child during this incredible event! After reviewing the letter, it is easy to sign up on SignUp Genius below!
>
> https://www.signupgenius.com/go/4090948ada628a0ff2-read
>
> Thanks everyone,
> *Jennifer Bean*
> Executive Assistant
> Office of the Secretary of Education
> Patrick Henry Building
> 1111 East Broad Street
> Richmond, VA 23219
> (804) 225-4807
> jennifer.bean@governor.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 6:01:06 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Subject: Re: New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

---

Very interesting, thanks for sharing.

On Wed, Mar 2, 2022 at 2:16 PM Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov> wrote:

> New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools
>
> https://thefederalist.com/2022/03/01/new-report-shatters-media-lie-that-crt-isnt-taught-in-virginia-schools/

AMERICAN OVERSIGHT

From: Saxton, Richard <dicky.saxton@doe.virginia.gov>
Sent: 3/15/2022 9:29:25 AM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc: "Below, Gillian" <gillian.below@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Political Headlines from across Virginia

done, thanks.

On Tue, Mar 15, 2022 at 8:36 AM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:
If you haven't already done this, recommend subscribing to VPAP news. Free. Subscription link at end.

Charles S. Pyle
Director of Communications and Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
Cell: (804) 663-2117
Office: (804) 371-2420

---------- Forwarded message ---------
From: **VaNews** <vanews@vpap.org>
Date: Tue, Mar 15, 2022, 7:21 AM
Subject: Political deadlines from across Virginia
To: <Charles.Pyle@doe.virginia.gov>

VaNews

March 15, 2022

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Top of the News

GOP seeks funding for Youngkin's lab schools push

By MEL LEONOR, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Gov. Glenn Youngkin ran on a promise to expand school choice in Virginia. But after a series of proposals were defeated in the legislature, his current chances for success will come down to 11th-hour negotiations for money to temporarily fund the operations of a handful of new schools. The governor's only remaining bill to usher in more privately run public schools would expand the ability of colleges and universities to open and operate "lab schools," using public dollars to foster innovation in education.

Ex-EPA leader Wheeler to serve as adviser to Youngkin

By SARAH RANKIN, Associated Press

Andrew Wheeler, the former Trump administration Environmental Protection Agency administrator, will serve as a senior adviser to Republican Gov. Glenn Youngkin's administration after Senate Democrats rejected his appointment to a Cabinet role. Wheeler had been nominated to oversee environmental and other policy issues as secretary of natural and historic resources. Travis Voyles, previously the deputy secretary of natural and historic resources, will serve as acting secretary while Wheeler takes on the advisory role, Youngkin spokeswoman Macaulay Porter said.

A Virginia gun bill had support from gun-control groups and the NRA. It still failed.

By GRAHAM MOOMAW, Virginia Mercury

At a legislative hearing last month, something so unusual happened some in the room joked it should go down as an important moment in history: The NRA and gun-control groups agreed a Democratic gun bill was good enough to make it through a Republican committee. "So Jesus is coming any minute," quipped Del. Nick Freitas, R-Culpeper, as the committee advanced the bill creating clearer punishments for people caught with firearms that have been made untraceable by having their serial numbers filed off. But the miracle turned out to be a mirage.

D.C. Mayor Won't Match Virginia Bid for Commanders Football Team

By EMMA KINERY, Bloomberg

Bringing the Washington Commanders football team to D.C. is a priority for the district, but not one big enough for its mayor to match the billion-dollar proposal Virginia has offered. "At some point, I'm going to move on from it," said Washington, D.C. Mayor Muriel Bowser in an interview with Bloomberg News on Monday. Bowser said drawing the team to the city it's named after is important but that the city wouldn't be able to match a bid from Virginia, which has offered the Commanders $1 billion and a cut of sales tax revenue if it moves to the state.

Solar groups say $55 minimum bill for shared solar is 'unworkable'

By SARAH VOGELSONG, Virginia Mercury

Solar advocacy groups say a Virginia regulator's recommendation that Dominion Energy charge ratepayers who sign up for a new community solar program a minimum monthly bill of $55 would be the highest such charge in the nation and would hobble the program by making it too expensive The minimum bill "will severely undermine the ability to attract customers if they're not going to have a reasonable level of savings to participate," said Charlie Coggeshall, director of policy and regulatory affairs for the Coalition for Community Solar Access, a group that works in roughly a dozen states nationwide to encourage community solar.

Fairfax school board appeals judge's invalidation of Thomas Jefferson admissions system

By HANNAH NATANSON, Washington Post (Metered Paywall - 3 articles a month)

The Fairfax County School Board is appealing a federal judge's ruling that invalidated the recently revised admissions system for the prestigious Thomas Jefferson High School for Science and Technology magnet school. U.S. District Judge Claude M. Hilton ruled late last month that the admissions program at TJ, as the school is known, discriminates against Asian American applicants and constitutes an illegal act of racial balancing.

AMERICAN OVERSIGHT

COVID-19 Remembrance Day remembers over 19,000 lives lost in Virginia

By LYNDON GERMAN, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Del. Delores McQuinn, D-Richmond, and other state and local representatives gathered at Virginia Union University on Monday to pray in remembrance of Virginians who lost their lives to COVID-19. As of March 14, nearly 80 million Americans have contracted COVID and 964,774 people have died from it, according to the Centers for Disease Control and Prevention. In Virginia, more than 19,000 people died after contracting the virus, and 476 of them were from Richmond, according to the Virginia Department of Health.

The Full Report

45 articles, 24 publications

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FROM VPAP

From VPAP

Maps, Timeline of COVID-19 in Virginia

The Virginia Public Access Project

Our Virginia COVID-19 dashboard features VDH vaccination data, including what percentage of the state's population has received at least one shot and the number of vaccinations per 100,000 residents in each city and county. Our dashboard also makes it easy to track the latest available data for tests performed, infections, deaths and hospital capacity. There's also a filter for each city and county, plus an exclusive per-capita ZIP Code map. Updated each morning around 10:30 a.m.

EXECUTIVE BRANCH

'This letter is a gross misrepresentation of what superintendents believe': Gov. Youngkin

By NICK MINOCK, WSET-TV

Over the weekend, it was widely reported that all 133 Virginia public school superintendents sent a letter to Gov. Glenn Youngkin's administration disapproving of the Governor's education agenda. It was also reported that all of the commonwealth's superintendents asked the Republican Governor to eliminate a "tip line" parents can send their concerns to about teachers and school curriculum. 7News is now learning the state's 133 superintendents were not advised of the letter before it was sent to the Governor's administration.

Youngkin chooses Trump's EPA chief to serve as senior adviser

By TEO ARMUS, Washington Post (Metered Paywall - 3 articles a month)

Democrats in the Virginia state Senate may have dashed Republican Gov. Glenn Youngkin's pick for a key Cabinet post, but that didn't stop the governor from hiring him anyway. Andrew Wheeler, a former Trump administration official and lobbyist for coal companies, will serve as a senior adviser to Youngkin, a spokeswoman for his administration confirmed Tuesday.

Wheeler to remain in Youngkin administration as senior adviser

By SARAH VOGELSONG, Virginia Mercury

Former Environmental Protection Agency Administrator Andrew Wheeler, whose appointment as Virginia's top environmental official was blocked by Senate Democrats, will serve as a senior adviser to Gov. Glenn Youngkin, according to Youngkin spokesperson Macaulay Porter. Porter also said that Deputy Secretary of Natural and Historic Resources Travis Voyles will serve as acting secretary of natural and historic resources. Youngkin announced his appointment as deputy secretary Feb. 18.

Youngkin, state officials break ground on 495 NEXT project

Inside NOVA

Gov. Glenn Youngkin joined state and local officials Monday morning to break ground on a two-and-a-half-mile extension of the express lanes on Interstate 495 between the Dulles Corridor and the George Washington Memorial Parkway in Fairfax County. The latest extension -- known as the 495 Express Lanes Northern Extension or 495 NEXT -- is part of Virginia's 90-plus mile express lanes network planned for Northern Virginia, the governor's office said.

County officials urge Youngkin to ensure transportation funding if grocery tax is repealed

By DAVID TAUBE, FFXnow

Gov. Glenn Youngkin and many Northern Virginia officials disagree over whether a repeal in the 2.5% grocery sales tax will adversely affect transit or not. The governor has made eliminating the tax a priority, but proponents and opponents are painting vastly different portraits of how a repeal could affect transportation funding. . . . At a groundbreaking ceremony in Tysons Monday for the I-495 Express Lanes extension, the Republican governor described the multiyear project as the kind of private-public partnership that can help save taxpayers' money.

GENERAL ASSEMBLY

Here's what bills lived, died and remain undecided in divided General Assembly

By JACKIE DEFUSCO, WRIC-TV

The 2022 regular session of the General Assembly is over but some unfinished business remains. Governor Glenn Youngkin is expected to call lawmakers back to the State Capitol to reach a deal on the two-year spending plan after a key budget deadline was missed, though no date has been set for that yet. The 60-day session laid bare the reality of a divided government, highlighted the consequences of a pivotal power shift and underscored the stakes of future elections.

It's a wrap!

By MARKUS SCHMIDT, Cardinal News

When the General Assembly adjourned Saturday, they did so without finalizing the state's biennial budget. But while about 50 bills still linger in conference – waiting for lawmakers to return once Gov. Glenn Youngkin calls for a special session sometime in the next few months, House GOP leadership blamed Democrats for leaving behind some unfinished business. "Unfortunately, the Democrats who run the Senate decided to put their own partisan angst ahead of Virginia's common good and not just block many common-sense bills, but also leave Richmond before the work was done," House Speaker Todd Gilbert, R-Shenandoah County, said in a statement. . . . Both parties are still haggling over a $3 billion gap separating their individual spending plans.

Local legislators split on bill to restrain governor's power

By SCOTT MCCAFFREY, Sun Gazette

Five of Arlington's seven-member General Assembly delegation voted in support of a measure that will limit the power of governors to act unilaterally for an indeterminate period in a crisis. Legislation sponsored by state Sen. David Suetterlein (R-Roanoke) on March 9 cleared the House of Delegates on a 91-8 vote, following earlier passage in the state Senate by a margin of 29-11. Gov. Youngkin is expected to sign the bill.

AMERICAN OVERSIGHT

Virginia teens press General Assembly for action on mental health

By BEN PAVIOUR, WCVE-FM

Between virtual learning and racial justice protests, it's been a long two years for youth in Virginia. Advocates say the recent turmoil highlighted the state's lack of investment in mental health services for students. While political and media debate has swirled around critical race theory and masking, student advocates say their mental health deserves more attention. "This issue is just going to get worse if we don't do something now," says Allison Gilbreath, policy and programs director at the advocacy group Voices for Virginia's Children.

Virginia lawmakers vote to allow smaller localities to opt out of Marcus Alert system

By DEAN MIRSHAHI, WRIC-TV

Virginia lawmakers passed a bill allowing smaller localities to opt out of the "Marcus Alert" law, a measure passed in 2020 that aimed to improve the response to mental and behavioral health emergencies. The legislation was named after Marcus-David Peters, who was fatally shot by a Richmond police officer in 2018 while experiencing an apparent mental health crisis alongside Interstate-95. Peters, a 24-year-old teacher, was naked when he charged the officer who shot him.

STATE ELECTIONS

Virginia Beach Councilman Aaron Rouse to run for state Senate

By STACY PARKER, Virginian-Pilot (Metered Paywall - 2 articles a month)

Virginia Beach City Councilman and former NFL player Aaron Rouse announced Monday that he's not seeking reelection for the council and will instead run for state Senate in 2023. "I'm really excited to continue to be able to work for Virginia Beach and have more of an impact," Rouse, 38, said by phone Monday. He is running as a Democrat for Virginia's 22nd District, which includes parts of the city of Virginia Beach. It's an open seat after redistricting this year. There is no incumbent. The district has 164,146 voters, according to the Virginia Public Access Project.

STATE GOVERNMENT

VDOE denies WAVY's FOIA request for info on divisive learning, Executive Order 1

By JON DOWDING, WAVY-TV

As part of our investigation into the State of Education in Virginia, 10 On Your Side filed two Freedom of Information Act (FOIA) requests about proposed changes to the public education system in Virginia — both of which were denied. These requests hoped to paint a clearer picture of changes coming to classrooms in Virginia, but with both requests denied by state leadership, 10 On Your Side — and therefore you at home — are left with as many questions about these changes as before.

Virginia's jobless rate held steady in January as more people entered labor market

By JOHN REID BLACKWELL, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Virginia's unemployment held steady at 3.3% from December to January, and employment increased from a year ago, but overall employment still remains down from before the start of the COVID-19 pandemic. The state's jobless rate was down from 4.8% in January of 2021, the Virginia Employment Commission reported on Monday.

Virginia Supreme Court modifies, extends judicial emergency order

By JASON BOLEMAN, Virginia Lawyers Weekly (Subscription required for some articles)

The Supreme Court of Virginia released the 36th order extending the declaration of judicial emergency in response to the COVID-19 pandemic on March 4. The order, which applies to all of Virginia's circuit and district courts, extends through March 30. The extension means that the period of judicial emergency will officially last more than two years, as the initial order was enacted on March 16, 2020. Most notably, this latest order from the court removes language from previous orders that required courts to screen individuals entering the courthouse "if, and to the extent, recommended, by the Virginia Department of Health."

CONGRESS

Beyer nabs $1.4 million in federal funding for three local health, parks projects

By JO DEVOE, ArlNow

A $1.5 trillion spending bill that cleared Congress on Friday has funding for three projects in Arlington. . . . The bill also sends Arlington County more than $1.4 million to pay for a health initiative and two parks projects, for which Rep. Don Beyer (D-Va.) requested federal assistance last May. In total, the spending package has $5.4 million earmarked for 10 projects in Northern Virginia, at Beyer's request.

ECONOMY/BUSINESS

Thermo Fisher to invest $97 million to expand in the Richmond region

By GREGORY J. GILLIGAN, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Global life sciences company Thermo Fisher Scientific Inc. is planning to invest $97 million to expand its clinical research operations in the Richmond region in response to increased demand for its services. The company will create three bioanalytical labs — two in Henrico County and one in Richmond — over the next three years, adding about 500 new workers to its local workforce of more than 1,200 professionals.

New Colonial Downs owners have big plans for track, including a Kentucky Derby qualifying race

By MICHAEL PHILLIPS, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

As Colonial Downs prepares to change ownership, the new company has a message for Virginians: "We're bringing our checkbook." That's what Churchill Downs CEO Bill Carstanjen said during a recent visit to Richmond, as his group prepares to take over Virginia's only Thoroughbred racing venue, as well as the six Rosie's locations around the state.

Mountain Valley Pipeline Seeks Rehearing on Species Review

By MAYA EARLS, Bloomberg

The Fourth Circuit improperly second-guessed the federal government's review of the Mountain Valley Pipeline and jeopardized billions of dollars of completed construction at a time when there's a need for natural gas supplies from sources other than Russia, the pipeline company said in a petition for rehearing. Mountain Valley Pipeline LLC wants the full Fourth Circuit to consider two rulings: One that tossed the federal government's approval of a three-and-a-half-mile pipeline route through Jefferson National Forest in Virginia and West Virginia in January, and one that rejected the U.S. Fish and Wildlife Service's finding that the entire project wouldn't jeopardize ...

Jury trial begins in property owner compensation dispute with Mountain Valley Pipeline

By LAURENCE HAMMACK, Roanoke Times (Metered Paywall - 5 articles a month)

The company building a natural gas pipeline through a bucolic Bent Mountain property should be made to pay its owners $650,000 for their losses, a jury was told Monday. Mountain Valley Pipeline used its legal power of eminent domain to take part of a 560-acre tract owned by the Terry family four years ago. How much it should now compensate the owners will be decided during a weeklong trial in Roanoke's federal court.

Old mill coming down to make way for Danville casino

By JOHN CRANE, Danville Register & Bee

AMERICAN OVERSIGHT

Demolition of the 617,000-square-foot structure visible from West Main Street began Monday morning and is expected to be complete in about six weeks, said David Deatherage, vice president with D.H. Griffin Companies in Greensboro, North Carolina. D.H. Griffin is in charge of performing demolition and abatement and hazardous material removal. Materials at the site will be removed and recycled. The finishing building is made of steel, concrete and brick.

TRANSPORTATION

Local officials warn of impacts from upcoming, months-long Yellow Line shutdown

By MATT BLITZ, ArlNow

Local officials are concerned that major work on the Yellow Line, starting in September, will cause significant problems — and are asking Metro to come up with solutions. Last week, WMATA announced that the Yellow Line tunnel and bridge crossing the Potomac will shut down starting September 10 for up to eight months due to much-needed rehab work. Additionally, for six weeks, rail service south of National Airport will also be shut down to continue work on the new Potomac Yard station.

'People's Convoy' drives through D.C. after permit for organized demonstration downtown partially denied

By ELLIE SILVERMAN, KARINA ELWOOD AND IAN DUNCAN, Washington Post (Metered Paywall - 3 articles a month)

Police blocked interstate exits in Washington into downtown as hundreds of trucks, cars and SUVs protesting the government's response to the pandemic rode into the nation's capital to start a second week of demonstrations. Members of the "People's Convoy" and thousands of other motorists encountered severe backups Monday afternoon, when highway traffic that already was heavy only worsened with the convoy's arrival. The convoy entered the city via the 14th Street Bridge on Interstate 395 amid a near-standstill, then continued to Interstate 695 before crossing the Anacostia River and returning to the Beltway.

HIGHER EDUCATION

Hampton University, Amazon team up to launch robotics program

By SIERRA JENKINS, Daily Press (Metered Paywall - 1 article a month)

Several years ago, Hampton University began looking for ways to pique students' interests in computer science through a robotics pathway. That plan came to fruition this year when Amazon invested in the university to create a new degree program. The program will help students obtain advanced degrees and fill positions in the STEM and robotics field. Students completed their first capstone in the fall and school officials are planning an event this spring after its pilot year, Alissa Harrison, vice president of information technology, said in an email.

CORONAVIRUS

How DC, Va. plan to use wastewater to track COVID spread

By SCOTT GELMAN, WTOP

D.C. and Virginia have plans to ramp up their COVID-19 wastewater surveillance programs in the coming weeks, providing a tool that experts say allows health officials to get a pulse on community transmission before hospitals see a spike in patients. The process enables thousands of people to be screened at a time, by looking for biomarkers of the coronavirus in wastewater, said Rekha Singh, wastewater surveillance program manager at the Virginia Department of Health. The virus can be detected in wastewater between six and 15 days before a confirmed clinical case.

NRV health district will continue to monitor wastewater as COVID cases decline

By LEANNA SCACHETTI, WDBJ-TV

The leader of the New River Valley Health District said even though COVID-19 case counts are in the teens for the district, public health leaders aren't abandoning their vigilance against the virus. Dr. Noelle Bissell addressed the future of COVID-19 during a regular virtual briefing Monday afternoon. . . . Dr. Bissell said the health district will continue to do wastewater surveillance in an effort to keep a close eye on the virus. She anticipates we'll continue to live with COVID-19 as a seasonal illness and expects cases to rise again in late summer or early fall.

VIRGINIA OTHER

Two women are on a quest to map every racially restrictive property deed in Arlington

By JO DEVOE, ArlNow

A sociology professor at Marymount University and a former housing lawyer are poring over century-old property records to locate Arlington's segregated neighborhoods. It's a time-consuming process, but the goal is to map Arlington's "history of exclusion," says professor Janine DeWitt. . . . And DeWitt says she and her research partner, Kristin Neun, will not stop "until we find every last one of them and not before."

Poolesville languishes as White's Ferry reopening appears bleak, commissioner president says

By MATTHEW DELANEY, WTOP

While the negotiations to reopen White's Ferry have broken down over raw feelings, it's nearby Poolesville, Maryland, that's suffering for it, according to the town commissioners president. Poolesville is the first stop after departing the ferry on the Maryland side of the Potomac, which means commuter traffic is a boon for businesses in the up-county town of over 5,000. Losing the ferry in December 2021 meant "cutting off our arm at Virginia," according to Jim Brown, the president of the Poolesville Town Commissioners.

LOCAL

Fairfax County School Board files appeal over admissions ruling for Thomas Jefferson

By WILL VITKA, WTOP

Virginia's Fairfax County School Board filed an appeal Monday challenging a judge's ruling that would halt new admissions policies at Thomas Jefferson High School for Science and Technology. In a statement about U.S. District Judge Claude Hilton's decision, the board called the ruling "highly damaging." "Failing to challenge it would jeopardize race-neutral diversity efforts not just within Fairfax County Public Schools or at TJ, but also within public education more broadly," the board's statement said.

ACLU of Virginia threatens Hanover School Board with federal lawsuit

By HOLLY PRESTIDGE, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

A Jan. 31 demand letter to the Hanover County School Board from the ACLU of Virginia threatening federal legal action on behalf of a transgender student was the catalyst behind an impromptu closed special session on Feb. 22 by the School Board as well as the board's 4-3 vote last week to "engage" Arizona-based Alliance Defending Freedom "for legal review" of the county's equal education policy at no cost to HCPS.

Former Hampton Roads Regional Jail officer accused of choking inmate

By JULIE MILLET, WAVY-TV

"Oh Lord, I'm gonna die today." That's what former Hampton Roads Regional Jail inmate Johnnie Simmons says he thought to himself on the morning of Feb. 8, 2019, when he complained to Master Jail Officer Robert Whitaker about problems with other inmates in the facility. Simmons is accusing Whitaker of choking him to the point where he passed out and urinated on himself. Whitaker is facing one count of felony strangulation and one count of assault and battery.

AMERICAN OVERSIGHT

Firm: Lawsuit to be filed Friday against Spotsylvania School Board

By ADELE UPHAUS–CONNER, Free Lance-Star (Metered Paywall - 10 articles a month)

A recent graduate of Courtland High School in Spotsylvania intends to file a lawsuit against the Spotsylvania County School Board on Friday. The Edwards Law Firm announced the pending litigation in a Facebook post on Monday afternoon. The suit will be filed in Spotsylvania General District Court on behalf of Makaila Keyes, 19, a 2020 graduate of Courtland. It alleges that the School Board, specifically Kirk Twigg, April Gillespie, Lisa Phelps and Rabih Abuismail, violated the Freedom of Information Act, employment and education law in actions taken during its Jan. 10, 2022, meeting.

Prosecution presents fraud case against Roanoke Councilman Jeffrey

By JEFF STURGEON, Roanoke Times (Metered Paywall - 5 articles a month)

Roanoke City Councilman Robert Jeffrey Jr. stole $15,000 in pandemic relief funds by inflating the number of full-time employees at his media and real estate companies with false applications submitted to grant-making authorities, prosecutors told jurors as Jeffrey's trial started Monday. Previewing his case, Jeffrey's lawyer raised the possibility that someone other than Jeffrey, such as one of his employees who has a criminal record, had submitted the forms that are the backbone of the government's case.

WPS equity efforts continue despite state policies

By EVAN GOODENOW, Winchester Star (Metered Paywall - 5 articles a month)

Efforts to provide a more culturally responsive curriculum and inclusive environment will continue in Winchester Public Schools despite Virginia's suspension of racial equity programs, according to Superintendent Jason Van Heukelum. The division's policy defines equity as "fostering a barrier-free environment whereby all students have the opportunity to benefit from the establishment of high standards and the provision of support, effective learning and resources for a high-quality education." Van Heukelum recently said that the division's equity policy is more a philosophy than a program.

Judge: Warrant for Wilson's Wild Animal Park raid was valid

By EVAN GOODENOW, Winchester Star (Metered Paywall - 5 articles a month)

Efforts to dismiss the animal cruelty case against a roadside zoo owner and his nephew were denied in Frederick Circuit Court on Monday. In a five-hour pretrial hearing, Judge Alexander R. Iden ruled Deputy Richard Samuels, a Spotsylvania animal control officer, didn't try to deceive a magistrate to get a search warrant for the raid on Wilson's Wild Animal Park on Aug. 15, 2019. The raid led to the seizure of 119 animals at the zoo at 985 W. Parkins Mill Road off Millwood Pike (U.S. 50) in Frederick County.

Campbell County superintendent looks to ban 'divisive subjects' in schools

By PAIGE MEYER, WSET-TV

Campbell County residents have weighed in on the superintendent's proposed resolution to ban divisive topics in the classroom during Monday night's school board meeting. Campbell County Public Schools Superintendent, Dr. Robert Johnson, is looking to ban Critical Race Theory, but he wants potentially divisive subjects to only be taught from a neutral position.

Horizon expanding mental health services for Bedford County Schools

By ELIZABETH THOMAS, WSET-TV

Bedford County Public Schools is expanding its mental health services provided to students. Horizon Behavioral Health, which currently provides mental health services in six Bedford County Public Schools, will be hiring four additional persons thanks to a grant it received. Horizon was awarded a $1.1 million grant from the Office of Child and Family Services and the Dept. of Behavioral Health and Developmental Services.

Pound Town Council to meet Tuesday with 3 new members

By MEGAN SCHNABEL, Cardinal News

The Pound Town Council is slated to meet Tuesday night with its first quorum since December. The future of Pound has been the subject of some debate in recent months, as a bill that now awaits the governor's signature gives the Wise County town until November 2023 to get its affairs in order or lose its charter.

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EDITORIALS

Bedford shows how to thwart book censors

Daily Progress Editorial (Metered Paywall - 25 articles a month)

Calling Bedford County a hotbed of liberalism would be a hard sell. The area between Lynchburg and Roanoke went 3-to-1 for Donald Trump in the 2020 presidential election. But this didn't stop county school officials from applying a rational review process that stopped a recent attempt to censor 11 library books. Book bans—including the occasional book burning suggestion—usually originate with parents who hope to force-feed their beliefs to entire student bodies. These folks try to bully and embarrass administrators into doing their bidding by raising a ruckus, rather than instilling their children with their personal philosophies and leaving other parents to do the same.

Is this supernova really NOVA?

Free Lance-Star Editorial (Metered Paywall - 10 articles a month)

If the Fredericksburg region were a star, it would be a supernova. Population in our area has soared 15.5 percent from 2010 to 2020. Real estate prices are up, up, up. And traffic on the area's three major non-interstate corridors—Routes 1, 3, and 17—seem to grow heavier by the day. And then there's Interstate 95. If we have to explain that headache, then you haven't had to deal with the congestion there. Count yourself lucky. Does this rapid growth, then, mean we're now a part of NOVA? It's a question that can roil us folks.

Let's aim for less police referrals, more dialogue

Richmond Times-Dispatch Editorial (Metered Paywall - 7 articles a month)

Amendments to existing legislation requiring principals to report certain misdemeanors to law enforcement stymies efforts made by 2020 laws passed that gave principals broader discretion on whether to report such misdemeanors. While both Senate Bill 36 and its companion House Bill 4 passed earlier this month, the bills received several dozen "no votes" from Virginia legislators. Many have said this reversal will lead to an excessive reporting of minor offenses — such as simple assault or disorderly conduct — of Black and brown students with disabilities, thus again giving fuel to the schools-to-prison pipeline.

COLUMNISTS

Yancey: How did this year's General Assembly do?

By DWAYNE YANCEY, Cardinal News

The 2022 General Assembly is now history. Well, sort of. The legislature still has to come back at some undermined point in the future to pass a budget and resolve whether we should repeal all or just part of the tax on food – so the two biggest things before this year's legislature are still undone. But all the passing and killing of most other bills and such is done. So, other than finishing work on the top two agenda items, what did this year's session accomplish?

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-000460

OP-ED

Hurt: In-person vs. virtual instruction, poverty and the SOLs

By MATT HURT, published in Roanoke Times (Metered Paywall - 5 articles a month)

During the 2020-21 school year, individual school divisions across Virginia were tasked with developing plans to address the instruction of their students during the COVID-19 pandemic while keeping students and staff safe at the same time. Every division offered fully virtual instruction options into which families could opt their children. The decisions to open schools for in-person instruction made by school divisions varied widely. Some divisions offered in-person instruction from day one, five days a week. Other divisions opened the year fully virtual, and at some point offered in-person instruction later in the year.

Hurt is the director of the Comprehensive Instructional Program based in Wise.

Cohn and Loughran: UVA and Southwest Virginia — partners in better cancer care

By WENDY COHN AND THOMAS P. LOUGHRAN JR., published in Roanoke Times (Metered Paywall - 5 articles a month)

Last month, the University of Virginia Cancer Center became the commonwealth's only National Cancer Institute-designated Comprehensive Cancer Center and one of just 52 in the United States — and it wouldn't have been possible without our neighbors and partners throughout Southwest Virginia. When people think about what cancer centers do, they often think of teams of experts providing the latest treatments, or researchers toiling to develop potential breakthroughs in cancer care and prevention that are then tested in clinical trials.

Cohn is associate director for community outreach and engagement at the Univeresity of Virginia Cancer Center. Loughran is director of the UVA Cancer Center, F. Palmer Weber-Smithfield Foods Professor of Oncology Research and professor of medicine.

Peace: Protecting Virginia's internet-related jobs

By CHRISTOPHER K. PEACE, published in Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Together, the people of our nation and this commonwealth have successfully navigated a pandemic amid great domestic social change, and now we peer into another great global crisis that has the possibility of negatively impacting our economy. From continued supply chain disruptions that emerged during COVID to the human catastrophe unfolding in Ukraine, our economic outlook is not as clear today as it was a few months ago, when we planned for a "return to normal."

Peace served in the Virginia House of Delegates from 2006 to 2020. He currently practices lawin Mechanicsville.

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 5:09:34 PM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Question

Charles:
Thanks for clearing those two issues up; that is helpful.
On this one matter in particular, please do not further engage with the reporter and let us know if there are further media inquiries on this letter. There are other considerations at play here.
Thank you,
Elizabeth

On Tue, Mar 22, 2022 at 3:40 PM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:

> I confirmed the authenticity of the letter. I corrected Hannah by pointing out that there is no reference to the Board of Education in the letter.
>
> Charles B. Pyle
> Director of Communications & Constituent Services
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 (cell)
> (804) 640-2117 mobile
>
> ---------- Forwarded message ---------
> From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
> Date: Tue, Mar 22, 2022 at 3:22 PM
> Subject: Fwd: Question
> To: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
>
> Here is where I am with Hannah.
>
> Charles B. Pyle
> Director of Communications & Constituent Services
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 (cell)
> (804) 640-2117 mobile
>
> ---------- Forwarded message ---------
> From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
> Date: Tue, Mar 22, 2022 at 2:39 PM
> Subject: RE: Question
> To: Pyle, Charles <charles.pyle@doe.virginia.gov>
>
> Understood, I was reading too fast. Superintendent Balow is saying that her office is reviewing the letter. Thank you for the clarification.
>
> I take it you're declining to answer the question about whether Superintendent Balow plans to recommend fining, suspending or fining Superintendent Ziegler?
>
> ---
>
> **From:** Pyle, Charles <charles.pyle@doe.virginia.gov>
> **Sent:** Tuesday, March 22, 2022 2:34 PM
> **To:** Natanson, Hannah <Hannah.Natanson@washpost.com>
> **Subject:** Re: Question
>
> Thanks, Hannah. The letter is authentic. There is no reference to the Board of Education in the letter.
>
> Charles B. Pyle
> Director of Communications & Constituent Services
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 (cell)
> (804) 640-2117 mobile

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On Tue, Mar 22, 2022 at 2:18 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Here is what Fight For Schools posted online, which is the only copy I have -- https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:26fb2daf-cd19-3efc-b362-88ebfea07e01 [acrobat.adobe.com]
>
> Get Outlook for iOS [aka.ms]
>
> ---
>
> **From:** Pyle, Charles <charles.pyle@doe.virginia.gov>
> **Sent:** Tuesday, March 22, 2022 1:40:45 PM
> **To:** Natanson, Hannah <Hannah.Natanson@washpost.com>
> **Subject:** Re: Question
>
> Hannah,
>
> I don't have a copy of it yet, but I am familiar with the content. Do you have a file? I looked to see if Fight for Schools posted it online but could not find it.
>
> Charles B. Pyle
>
> Director of Communications & Constituent Services
>
> Virginia Department of Education
>
> Charles.Pyle@doe.virginia.gov
>
> (804) 371-2420
>
> (804) 640-2117 (cell)
>
> (804) 640-2117 mobile
>
> On Tue, Mar 22, 2022 at 10:58 AM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:
>
> > Hi Charles and Ken,
> >
> > Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?
> >
> > Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow - in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."
> >
> > - Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
> > - When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
> > - Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?
> >
> > I am requesting responses by 3 p.m. EST today latest. Thank you.
> >
> > Best,
> >
> > Hannah
> >
> > ---
> >
> > **From:** Natanson, Hannah <Hannah.Natanson@washpost.com>
> > **Sent:** Thursday, February 10, 2022 12:51 PM
> > **To:** Pyle, Charles <charles.pyle@doe.virginia.gov>
> > **Subject:** Re: Question
> >
> > Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun

AMERICAN OVERSIGHT

County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,
>
> Hannah

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--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 5:18:25 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Thank you

On Thu, Feb 3, 2022 at 2:27 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> It went to all division superintendents, and any others invited on last Monday's call (VASS, VHSL, VSBA).
>
> On Thu, Feb 3, 2022 at 2:03 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
>
> > John:
> > Would you please let me know to whom this went - just received as a BCC.
> > Thank you,
> > Elizabeth
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
> On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:
>
> > Good afternoon,
> > Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.
>
> On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

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What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility

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than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

AWAITING AN OVERSIGHT

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?

The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

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Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/8/2022 11:04:59 AM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Attachments: image001.png

Jillian-do you have a contact at Health we could bounce this off?

On Mon, Feb 7, 2022 at 8:16 AM Hendron, John <john.hendron@doe.virginia.gov> wrote:

Qfrom Roanoke Supt after I sent the questions out last week....

---------- Forwarded message ---------
From: **Kenneth Nicely** <knicely@rcps.us>
Date: Fri, Feb 4, 2022 at 8:20 PM
Subject: RE: Questions/Answers from 24 Jan Supts Call
To: Hendron, John <john.hendron@doe.virginia.gov>

Dr. Hendron:

Thank you for your communication and efforts to help clarify these important concerns.

One point that is repeated several times in reference to CDC guidance and SB1303 is "Universal and correct masking, as recommended by the CDC, has been shown to be impractical."

Since this point would certainly help school divisions defend against possible legal claims that we are violating a statute (an exclusion in most school divisions' insurance coverage), could the VDOE or VDH provide some evidence or research to support the statement that "universal and correct masking…has shown to be impractical"? It would be hard for us to defend here in Roanoke County since our students and staff have been doing it successfully for a year and a half, but that is a question for our attorney. If there is anything out there to support the statement, that would be helpful.

Thanks again for your efforts.

Respectfully,

Ken Nicely

Ken Nicely, Ed.D.

Superintendent

Roanoke County Public Schools

www.rcps.us

From: Hendron, John <john.hendron@doe.virginia.gov>
Sent: Thursday, February 3, 2022 2:01 PM
Subject: Questions/Answers from 24 Jan Supts Call

CAUTION: This email originated from outside of Roanoke County Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,
Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

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While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.
What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

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Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?

A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

- The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
- Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
- The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
- The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

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What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

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VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet

  received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

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The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

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- Increased messaging that parents may opt for children to wear masks as a strategy to

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  sports and extracurricular activities)
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- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff

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- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk
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Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

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As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

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In service,

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John G. Hendron, Ed.D.

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Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 3:03:13 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

John:
Would you please let me know to whom this went - just received as a BCC.
Thank you,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> Good afternoon,
> Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
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What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found by it to be the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

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Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

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- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
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Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and

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otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--

John G. Hendron, Ed.D.
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email: john.hendron@doe.virginia.gov
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AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/10/2022 4:29:19 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Attachments: image001.png

Health responded to the questions, not our office. These have already been sent to the participants on the Zoom, I believe.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Tue, Feb 8, 2022 at 10:37 AM Hendron, John <john.hendron@doe.virginia.gov> wrote:
> Dr. Forlano was the epidemiologist on the call. But you may have been thinking of someone at the policy level.
> laurie.forlano@vdh.virginia.gov
>
> On Tue, Feb 8, 2022 at 10:05 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > Jillian-do you have a contact at Health we could bounce this off?
> >
> > On Mon, Feb 7, 2022 at 8:16 AM Hendron, John <john.hendron@doe.virginia.gov> wrote:
> > > Q from Roanoke Supt after I sent the questions out last week....
> > >
> > > ---------- Forwarded message ---------
> > > From: **Kenneth Nicely** <knicely@rcps.us>
> > > Date: Fri, Feb 4, 2022 at 8:20 PM
> > > Subject: RE: Questions/Answers from 24 Jan Supts Call
> > > To: Hendron, John <john.hendron@doe.virginia.gov>
> > >
> > > Dr. Hendron:
> > >
> > > Thank you for your communication and efforts to help clarify these important concerns.
> > >
> > > One point that is repeated several times in reference to CDC guidance and SB1303 is "Universal and correct masking, as recommended by the CDC, has been shown to be impractical."
> > >
> > > Since this point would certainly help school divisions defend against possible legal claims that we are violating a statute (an exclusion in most school divisions' insurance coverage), could the VDOE or VDH provide some evidence or research to support the statement that "universal and correct masking…has shown to be impractical"? It would be hard for us to defend here in Roanoke County since our students and staff have been doing it successfully for a year and a half, but that is a question for our attorney. If there is anything out there to support the statement, that would be helpful.
> > >
> > > Thanks again for your efforts.
> > >
> > > Respectfully,
> > >
> > > Ken Nicely
> > >
> > > **Ken Nicely, Ed.D.**
> > > Superintendent
> > > Roanoke County Public Schools
> > > www.rcps.us
> > >
> > > **From:** Hendron, John <john.hendron@doe.virginia.gov>
> > > **Sent:** Thursday, February 3, 2022 2:01 PM
> > > **Subject:** Questions/Answers from 24 Jan Supts Call
> > >
> > > CAUTION: This email originated from outside of Roanoke County Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Good afternoon,
Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public
- settings when community
- level of transmission is substantial or high.
- People who are not
- up
- to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings
- regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine
- period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if
- aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools
- review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if
- feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's

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recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

What should a superintendent do when a school board has voted to retain a mask mandate?

The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?

A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).

If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?

In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?

Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?

A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?

This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?

VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?

Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

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If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?

When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak

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- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

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If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

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John G. Hendron, Ed.D.

Superintendent's Office

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John G. Hendron, Ed.D.
Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617

--

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iPhone: +1 804-929-8617

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/18/2022 1:34:21 PM
To: "Jennings, Laura" <laura.jennings@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Recognizing Virginia's Judeo-Christian heritage in public education

---

Laura:
Does he want to meet in person or can we have a phone call?
I think it is ok to schedule the latter, but think a call should include staff...

Dicky, what do you think, Humanities and Assessment personnel?
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Fri, Feb 18, 2022 at 10:44 AM Jennings, Laura <laura.jennings@doe.virginia.gov> wrote:

Good morning. Mr. Walker called this morning and would like to set up a meeting with you to discuss his email below. Let me know how you would like to proceed.

Happy Friday!
Laura

---------- Forwarded message ---------
From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Feb 18, 2022 at 10:27 AM
Subject: Fwd: Recognizing Virginia's Judeo-Christian heritage in public education
To: <laura.jennings@doe.virginia.gov>

---------- Forwarded message ---------
From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Jan 21, 2022 at 8:03 PM
Subject: Recognizing Virginia's Judeo-Christian heritage in public education
To: <Elizabeth.Schultz@doe.virginia.gov>, Rodney Walker <walkerprof1@gmail.com>

Dear Elizabeth Shultz:

I haven't met you yet, but I'd like to say Congratulations! It is such an encouragement to see you and other members of the Youngkin transition team take your places. My name is Rodney Walker and I'm an African American U.S History teacher, professor and author. But what's more I also initiated and collaborated with Jason Miyares over a bill which turned out to become House Resolution (HR#297) recognizing the Judeo-Christian heritage of our commonwealth (please see attached bill).

The purpose of my contacting you is to seek your input about academic recognition of our Judeo-Christian heritage in Virginia state history books aligned with Standards of Learning (SOL) U.S History I and II. Thankfully, the Critical Race Theory has been uprooted from our schools, but it has left a vacuum which I fear may result in a free-for-all of various new alternative theories regarding our state's history. I see this in the classroom already.

If you look at HR#297 it's easy to note that there are nine or so key events which reflect upon the Judeo-Christian heritage of our state. Each one of these events can easily be made into a chapter of a book for supplemental reading. One can even see traces of our Judeo-Christian heritage in our state constitution's bill of rights which clarifies in Section #16: "***it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.***"

Presently, I am finishing an historic book under a contract with Amazon, but I would very much like to discuss the possibilities of completing supplemental reading material aligned for SOL U.S History I and II regarding the Judeo-Christain heritage of our commonwealth. It is time for this. The purpose would not be to preach, or proselytize but to inform and enlighten.

Please kindly advise concerning the best way forward for this undertaking. Again, congratulations, and I'm looking forward to the policy changes initiated by our governor's executive orders.

Rodney Walker
(757) 409-0082

HOUSE RESOLUTION NO. 297
Recognizing the influence of Christian heritage in Virginia.

Agreed to by the House of Delegates, January 24, 2017

WHEREAS, on April 26, 1607, a chartered expedition, subsidized by the Virginia Company to establish colonies on the coast of North America, disembarked upon the banks of Cape Henry, now Virginia Beach; and

WHEREAS, the Reverend Robert Hunt, the expedition's official cleric, and the members of the expedition erected a wooden cross in symbolic reference to the Christian faith, invoked a public prayer of dedication, and pledged that the Gospel message would be spread throughout the region and, from that region, abroad; and

WHEREAS, the ensuing Jamestown settlement was the site of the first public communion ceremony in Virginia, in the tradition of the Lord's Supper of the New Testament; and

WHEREAS, the Jamestown settlement was the first permanent English colony in North America and included a recognized church wherein Christian worship, teachings, and baptisms were conducted in accordance with the Gospel message, as exemplified by the baptism of Pocahontas, a member of the Powhatan tribe of Native Americans in the region; and

WHEREAS, the Judeo-Christian principles, as established in the Law of Moses and set forth from the earliest days of recorded history, of equality, human dignity, and equal protection under the law have provided an incalculable influence on law and thought throughout history, and in particular to our shared English common law tradition and Western civilization; and

WHEREAS, these same principles of equality, human dignity, and equal protection rooted in Mosaic law influenced America's foremost Civil Rights leaders, including the esteemed Virginia Civil Rights attorney and leader Oliver White Hill, Sr., whose own paternal grandfather founded Mount Carmel Baptist Church in Richmond, which the Hill family attended and where Oliver Hill attended Sunday school; he worked diligently, influenced by his Christian faith, to end racial discrimination and help end the doctrine of separate but equal; and

WHEREAS, according to the Pew Research Center, millions of Virginians, representing various denominations, identify as Christians, carrying on the faith traditions brought to North America by its first settlers; and

WHEREAS, thousands of churches in the Commonwealth continue to provide spiritual leadership and education; care for the poor, indigent, and homeless as commanded by the Gospel message; and conduct generous outreach in their communities; now, therefore, be it

RESOLVED by the House of Delegates, That the enormous influence of Christian heritage and faith throughout the Commonwealth's 400-year history be recognized; and, be it

AMERICAN OVERSIGHT

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to Rodney Walker and First-Landing Festivals, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the Virginia House of Delegates in this matter.

– –

Laura Jennings

Virginia Department of Education

PO Box 2120 | Richmond, VA 23218-2120

Office: 804.786.5834 | Cell: 804.297-6434

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/19/2022 9:09:08 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jennings, Laura" <laura.jennings@doe.virginia.gov>
Subject: Re: Recognizing Virginia's Judeo-Christian heritage in public education

---

Yes, under Michael there is Christine who is Director of Humanities then Christonya is History and Social Science Coordinator, and two more under her that do history and social studies.

On Fri, Feb 18, 2022 at 10:34 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Laura:
> Does he want to meet in person or can we have a phone call?
> I think it is ok to schedule the latter, but think a call should include staff...
>
> Dicky, what do you think, Humanities and Assessment personnel?
> Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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> Date: Fri, Feb 18, 2022 at 10:27 AM
> Subject: Fwd: Recognizing Virginia's Judeo-Christian heritage in public education
> To: <laura.jennings@doe.virginia.gov>
>
> ---------- Forwarded message ---------
> From: **Rodney Walker** <walkerprof1@gmail.com>
> Date: Fri, Jan 21, 2022 at 8:03 PM
> Subject: Recognizing Virginia's Judeo-Christian heritage in public education
> To: <Elizabeth.Schultz@doe.virginia.gov>, Rodney Walker <walkerprof1@gmail.com>
>
> Dear Elizabeth Shultz:
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> I haven't met you yet, but I'd like to say Congratulations! It is such an encouragement to see you and other members of the Youngkin transition team take your places. My name is Rodney Walker and I'm an African American U.S History teacher, professor and author. But what's more I also initiated and collaborated with Jason Miyares over a bill which turned out to become House Resolution (HR#297) recognizing the Judeo-Christian heritage of our commonwealth (please see attached bill).
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> Rodney Walker
> (757) 409-0082
>
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> *Recognizing the influence of Christian heritage in Virginia.*
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> WHEREAS, on April 26, 1607, a chartered expedition, subsidized by the Virginia Company to establish colonies on the coast of North America, disembarked upon the banks of Cape Henry, now Virginia Beach; and
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OVERSIGHT

WHEREAS, according to the Pew Research Center, millions of Virginians, representing various denominations, identify as Christians, carrying on the faith traditions brought to North America by its first settlers; and

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– –

Laura Jennings

Virginia Department of Education

PO Box 2120 | Richmond, VA 23218-2120

Office: 804.786.5834 | Cell: 804.297-6434

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/15/2022 9:25:42 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Re: Standards of Emotional Learning Requirements

---

sure

On Tue, Mar 15, 2022 at 9:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?
>
> Can we discuss?
>
> ---------- Forwarded message ---------
> From: **Brandi Rutz** <brandirutz@icloud.com>
> Date: Mon, Mar 14, 2022 at 10:54 PM
> Subject: Standards of Emotional Learning Requirements
> To: <elizabeth.schultz@doe.virginia.gov>
>
>
> Hi Mrs. Schultz,
>
> We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.
>
> First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.
>
> Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
> I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.
>
> It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.
>
> I appreciate any clarity you can offer.
>
> By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don’t have a reason to doubt her.
>
> Thank you in advance of your time.
>
> Warm Regards,
>
> Brandi Rutz
>
>
>
>
>
> Sent from my iPhone
> --
>
> Elizabeth L. Schultz
> Assistant State Superintendent of Public Instruction
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 4:19:05 PM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>
Cc:
Subject: RE: Triage items

Attachments: SFAC Presentation_Balow.pptx

---

1) Thursday afternoon Senate Finance K-12 Subcomm Jillian presentation-slide deck attached. Holly sending to Sec and Gov. offices.

2) Literacy Bill-Holly testify in support Wednesday morning

3) Holly supporting Tebow bill this afternoon

Thanks!

AMERICAN OVERSIGHT

Early Childhood & K-12 Budget Updates

Presented to
The Senate Finance K-12 Subcommittee
January 2022

Jillian Balow
Superintendent for Public Instruction
Virginia Department of Education

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000494

Governor Youngkin's K-12 Budget Amendments

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

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VA-DOE-22-0316-B-000495

Governor Youngkin's K-12 Budget Amendments

Proposed Investments

- Laboratory Schools
- School Resource Office Incentive Grants

Language Only

- Prohibits the promotion of inherently divisive concepts in public education

AMERICAN OVERSIGHT

K-12 Related Budget Amendments

	FY23	FY24	Context
Lab Schools Item 136 #16g	$100M	$50M	Adds to the existing Lab School fund established by § 22.1-349.2.
SRO Incentive Grants Item 408 #12g	$25.8M	$25.8M	Adds to the existing SRO incentive grant fund housed at the Department of Criminal Justice Services (DCJS)

AMERICAN OVERSIGHT

Divisive Issues Language
HB29 - Item 4-14.00 #2g

That the Code of Virginia is amended by adding a section numbered 22.1-208.03 as follows: § 22.1-208.03. *Curricula and instruction including inherently divisive concepts prohibited.*

A. As used in this section, "inherently divisive concepts" means advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964, including, but not limited to of the following concepts (i) one race, skin color, ethnicity, sex, or faith is inherently superior to another race, skin color, ethnicity, sex, or faith; (ii) an individual, by virtue of his or her race, skin color, ethnicity, sex or faith, is racist, sexist, or oppressive, whether consciously or subconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race, skin color, ethnicity, sex or faith; (iv) members of one race, ethnicity, sex or faith cannot and should not attempt to treat others as individuals without respect to race, sex or faith; (v) an individual's moral character is inherently determined by his or her race, skin color, ethnicity, sex, or faith; (vi) an individual, by virtue of his or her race, skin color, ethnicity, sex, or faith, bears responsibility for actions committed in the past by other members of the same race, ethnicity, sex or faith; (vii) meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

B. Each public elementary or secondary school principal shall ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity."

5

As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
- **Virginia Preschool Initiative -** Enrollment numbers were down 6% (1,041 slots), despite extending the enrollment period to January 2021. Overall preschool enrollment decreased by 18.58%.
- **Child Care Subsidy -** Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19.

AMERICAN OVERSIGHT

VDOE Budget as Introduced in SB30

VIRGINIA DEPARTMENT OF EDUCATION

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VA-DOE-22-0316-B-000499

Overview

Introduced Budget for FY22-24 Includes:

1. Technical Adjustments
   - Anticipated Technical Adjustments
   - Programmatic Savings

2. Non-technical Changes
   - Early Childhood Care and Education
   - Responding to JLARC
   - Other Agency Investments

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000500

Central Office Operating Budget Overview

Department of Education, Central Office Operations

	Operating Budget Summary			Authorized Position Summary		
	General Fund	Nongeneral Fund	Personnel Cost	General Fund	Nongeneral Fund	Total Positions
2019 Appropriation	$61,947,187	$46,717,981	$34,941,342	144.00	185.50	329.50
2020 Appropriation	$64,519,602	$56,618,929	$35,713,502	149.00	185.50	334.50
2021 Appropriation	$75,141,179	$57,417,607	$37,633,110	151.00	185.50	336.50
2022 Appropriation	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2023 Base Budget	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2023 Intro Changes	$6,043,995	$32,912,537	$5,733,424	30.00	0.00	30.00
2023 Total	**$77,802,577**	**$337,773,641**	**$44,018,908**	**188.17**	**335.83**	**524.00**
2024 Base Budget	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2024 Intro Changes	$18,719,820	$39,434,714	$9,074,849	56.00	0.00	56.00
2024 Total	**$90,478,402**	**$344,295,818**	**$47,360,333**	**214.17**	**335.83**	**550.00**

AMERICAN OVERSIGHT

Programmatic Savings Captured

	FY23	FY24	Context
CTE Database	($208,000)	($208,000)	Removes one–time funding to replace the CTE curriculum database and integrate the system into the state's learning management system.
IEP Training Module	($75,000)	($75,000)	Removes one-time funding to develop training modules for IEP team members.
SPED Training Module for licensure renewal	($150,000)	($150,000)	Removes one-time funding to develop a training module for teachers seeking to renew their teaching license on special education and differentiated instruction
Teacher Licensure Automation	($100,000)	($100,000)	Removes one–time funding transferred from FY2021 to FY2022 in Chapter 552 to automate the teacher licensure system.
COVID Relief Funding	($68,208,428)	($68,208,428)	Removes one–time COVID–19 relief funding from the agency's base appropriation.
Division Monitoring Plan		($120,000)	Removes one–time funding to develop and implement a pilot program to more comprehensively supervise school division compliance with state standards.

AMERICAN OVERSIGHT

Responding to JLARC

The December 2020 JLARC Report on *Operations and Performance of the VDOE* made recommendations around the Office of School Quality and role of the Department in teacher recruitment and retention. The Introduced budget includes two items directly related to this JLARC report.

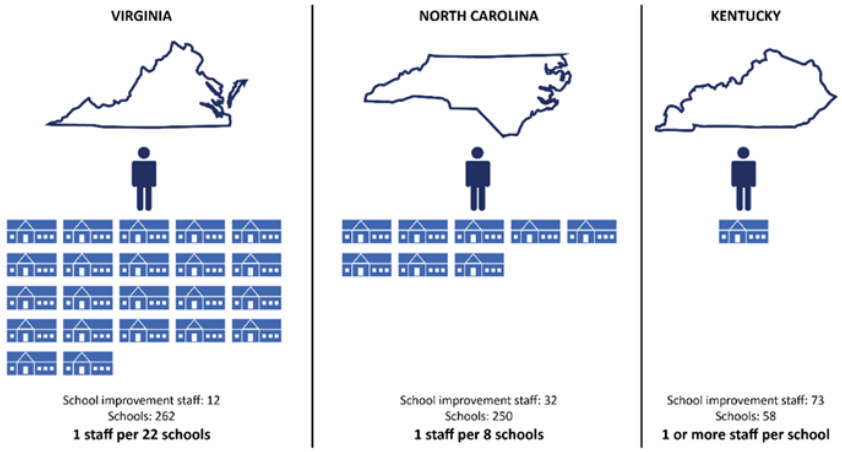
Office of School Quality	$3,325,860 (25 positions)	$6,552,285 (50 positions)	Expands the Office of School Quality to establish a regional continuous improvement model of support for school divisions not meeting state accreditation standards and federal accountability standards.
Teacher Recruitment and Retention			Language only: Expands the focus of funding and positions previously provided for teacher recruitment and retention to support all critical shortage areas.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000503

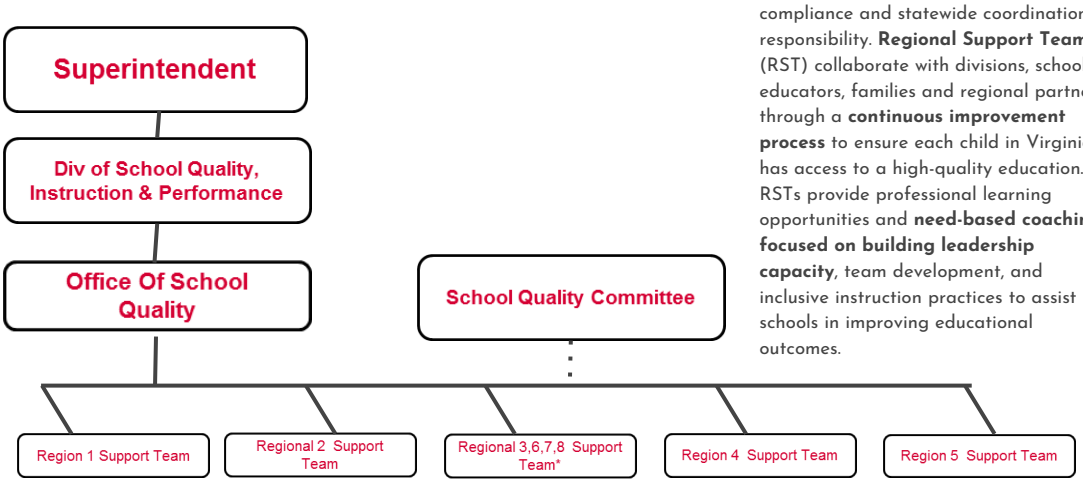
Rethinking Support for School Quality in Virginia

VDOE's Office of School Quality has more schools per staff in need of improvement than comparable offices in neighboring states



AMERICAN OVERSIGHT

Proposed Organization Structure



Office of School Quality maintains compliance and statewide coordination responsibility. **Regional Support Teams** (RST) collaborate with divisions, schools, educators, families and regional partners through a **continuous improvement process** to ensure each child in Virginia has access to a high-quality education. RSTs provide professional learning opportunities and **need-based coaching focused on building leadership capacity**, team development, and inclusive instruction practices to assist schools in improving educational outcomes.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000505

Role of Regional Support Teams

Desired Outcomes:

-Increase use of data informed decisions

-Address complex factors to advance division efforts to provide quality leadership

-Willing partnership at state-division-school

-Coordinated continuous improvement efforts

Each team member will coordinate differentiated high-quality support to designated divisions within regions to include more intensive support to divisions with a memorandum of understanding, and Federally Identified Schools with Level II and Level III indicators.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000506

Agency Support - Associated with Recently Adopted Legislation

	FY23	FY24	Context
Continued support for Growth Assessments		$5,000,000	Provides ongoing state support to administer the through–year growth assessments for grades three through eight required by Chapter 443 and Chapter 444, 2021 Acts of Assembly, Special Session I. Federal relief funds support this cost in fiscal year 2023.
Marijuana Education	$310,000		Supports the development and provision of educational and professional development resources regarding marijuana use, pursuant to the provisions of Chapter 550, 2021 Acts of Assembly, Special Session I.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000507

Other Introduced Central Office Items

	FY23	FY24	Context
Continued support for Statewide Learning Management System		$5,138,000 (1 position)	State support for statewide learning management system; will be covered with federal funds in FY23.
NGF Support for Virtual Virginia	$26,088,705	$32,610,882	Increases the nongeneral fund appropriation supporting Virtual Virginia to align the appropriation with expected revenues and expenditures for fee–based programs.
Working Conditions and Climate Survey	$235,742 (2 positions)	$235,742 (2 positions)	Provides 2 positions to ensure sufficient staffing for the statutorily required working conditions and climate survey.
Eastern Shore STEM Governor's School	$500,000		VDOE to study options for establishing a Science, Technology, Engineering, and Mathematics (STEM) Governor's School on the Eastern Shore.
Support for Social Emotional Learning Standards	$221,514 (1 position)	$221,514 (1 position)	Supports the creation of statewide training resources for local school divisions, as well as one position to lead social emotional learning efforts and to provide assistance to local school divisions.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000508

Early Childhood Budget Proposals

16

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Overview

1. Key Insights
2. Overview of Investments
3. Item Detail
4. Questions

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VA-DOE-22-0316-B-000510

State of Early Childhood

Early childhood is open and serving children in-person yet challenges remain.

- As of Fall 2021, all schools and Head Start programs are now open for full-time in-person learning. More than 90% of child care programs have reopened.
- Early childhood enrollment has rebounded to or above pre-pandemic levels.
- More families are choosing public-private options such as Mixed Delivery and Child Care Subsidy.
- Young learners have experienced significant academic and social-emotional setbacks, especially in early literacy and math.
- Staffing challenges continue to limit the availability of child care and ability of educators to fully respond to children's greater needs.

As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
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2021-2022 Enrollment

Early childhood enrollment has rebounded in the Virginia Preschool Initiative and Child Care Subsidy Program; current participation is at or above pre-pandemic levels.

Virginia Preschool Initiative - Enrollment numbers have rebounded to pre-pandemic levels, with over 18,000 four-year-olds and 1,200 3 year olds participating in 2021-2022.

Child Care Subsidy - Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19. In January of 2022, subsidy enrollment exceeds 28,000 children, well over pre-pandemic levels.

VECF Mixed Delivery - Through expansion and new investments, the program has expanded to serve over 1,200 3 and 4 year olds in 2021-2022, compared to 250 last year.

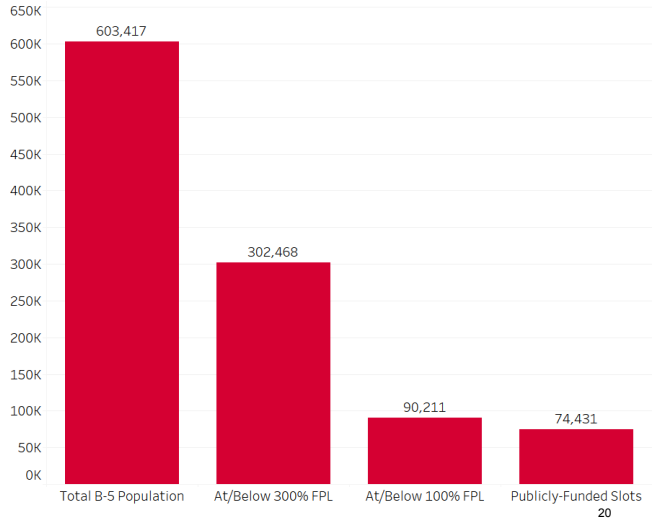
Head Start - 14,000 Head Start slots are available in Virginia in 2021-2022.

The initial FY21 ADM projection for the Chapter 1289 budget adopted at the 2020 GA session was created in Nov. 2019 prior to the onset of the pandemic and used normal division enrollment patterns for the division projections. With the first data point indicating impact of the pandemic on enrollment being available, which was Sept. 30th, 2020 Fall Membership, the next project occurred in Nov. 2020 and was used for the Chapter 552 budget adopted at the GA Special Session in March. This reprojection brought down the FY21 ADM projection by 44,000 students, consistent with Sept. 30 Fall Membership reported by divisions early in the 20-21 school year under pandemic conditions. Finally, actual/certified actual March 31 ADM came in at 1,210,463, about 2,600 students lower than DOE's final projection last fall. I think this data was requested to show the significant drop off in enrollment which drives ADM and state funding and probably the need for the No Loss funding that helped backfill this significant enrollment loss due to the pandemic.

The Home School/Religious Exempt did increase significantly this year which accounts for some of the 40K+ drop in enrollment this year:
18-19 - 43,505
19-20 - 44,226
20-21 - 65,571

AMERICAN OVERSIGHT

Potential Demand Exceeds Slots



- About **15%** of children, from birth to age 5, are living at or below 100% FPL.
- Roughly **50%** of the early childhood population in Virginia live at or below 300% FPL, or $79,500 for a family of 4.
- Only **12.3%** of the Commonwealth's early childhood population can be served by the current number of publicly-funded slots through VPI, CCSP, Mixed Delivery, and EHS/HS.

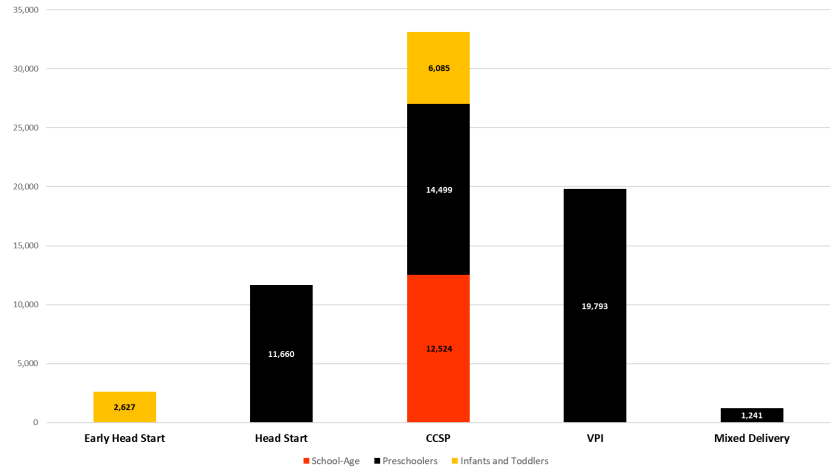
As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
- **Virginia Preschool Initiative -** Enrollment numbers were down 6% (1,041 slots), despite extending the enrollment period to January 2021. Overall preschool enrollment decreased by 18.58%.
- **Child Care Subsidy -** Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19.

AMERICAN OVERSIGHT

Most Public Funds Support Preschool



Who do publicly-funded early childhood slots support?

- **13%** support infants and toddlers
- **69%** support preschoolers
- **18%** support school-age children

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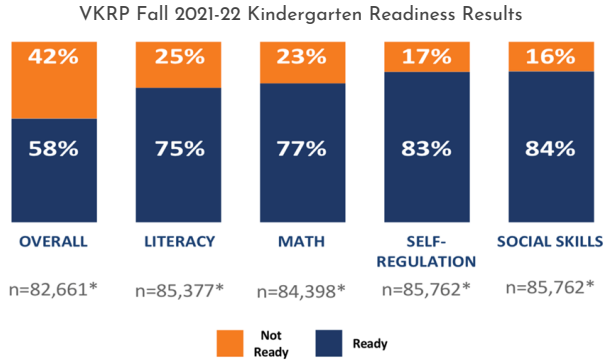
AMERICAN OVERSIGHT

School Readiness in 2020-21

Fall 2021 VKRP data show the impact of COVID 19 on Virginia's youngest learners. More than 21,000 Virginia kindergarteners are at serious risk of reading failure, in the absence of intervention.



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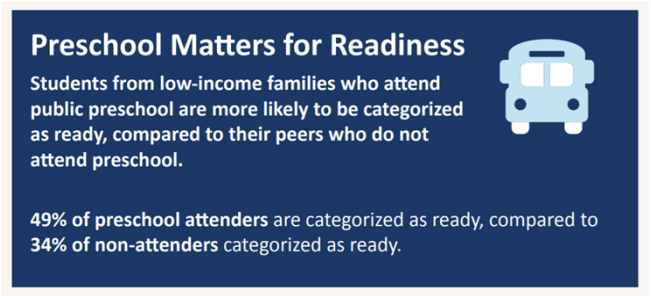
AMERICAN OVERSIGHT

Disparities in Readiness

Greater percentages of historically underrepresented children began the school year below the overall readiness benchmark including:

52% of Black students, and 60% of Hispanic students
56% of students from low-income backgrounds
67% of English language/Multilingual learners
64% of students identified as having a disability



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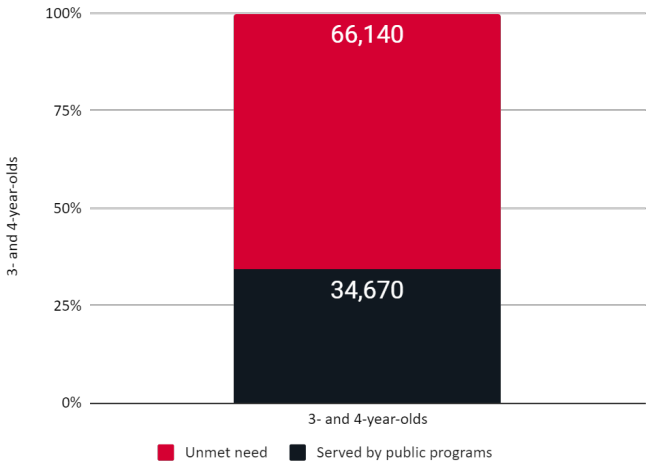
AMERICAN OVERSIGHT

Unmet Need in Preschool



- Approximately 1 in 3 preschoolers in Virginia lacks access to publicly-funded early childhood education.
- Most are 3 year olds.

As a reminder, here were numbers from prior presentations:

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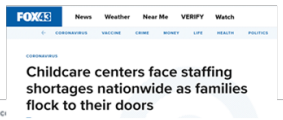
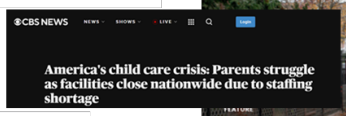
AMERICAN OVERSIGHT

Child Care Workforce Crisis





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AMERICAN OVERSIGHT

Voices from the Field

Virginia recently conducted a statewide survey of child care providers. Initial results show how challenging it is to attract, hire and retain staff:

- Two out of three (66%) of directors reported staffing was either moderately or very hard.
- Of those directors who said they had a staff opening or had made a hire since July, we asked how hard hiring had been. The vast majority (83%) said it was either moderately or very hard.
- These staffing challenges had real implications:
  - 74% said they asked current staff to work more hours or take on additional duties
  - Over half (52%) said staffing challenges made them serve fewer children or turn families away
  - Over a third (36%) reduced the number of classrooms at their sites
  - 56% said they hired an applicant that was less experienced/or qualified than preferred

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000519

Transition Update

In 2020 Virginia established a statewide, unified public-private early childhood care and education system to be implemented by the VDOE. This creates a single point of accountability for school readiness.

As of July 1, 2021, VDOE is responsible for:

- Overseeing all aspects of the child care and early education system,
- Implementing the new measurement and improvement system, called VQB5, for all publicly-funded birth-five classrooms which supports families to choose quality across different settings
- Supporting the new Early Childhood Advisory Committee (ECAC) to the Board of Education

AMERICAN OVERSIGHT

Proposed Early Childhood Investments in SB 30

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000521

Overview

The early childhood investments seek to:

1. Complete unification of early childhood system at state and regional level;
2. Support more choices for young learners via the Child Care Subsidy Program (CCSP), Virginia Preschool Initiative (VPI) and Mixed Delivery;
3. Enable a data-driven recovery from COVID-19 impact; and
4. Lay the groundwork for future expansion of public-private preschool in Virginia with marijuana funding.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000522

Overview of Investments

The early childhood investments seek to:

1. Complete unification of early childhood system at state and regional level;
2. Support more choices for young learners via the Child Care Subsidy Program (CCSP), Virginia Preschool Initiative (VPI) and Mixed Delivery;
3. Enable a data-driven recovery from COVID-19 impact; and
4. Lay the groundwork for future expansion of public-private preschool in Virginia with marijuana funding.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000523

Item 129 - SGF Impact

In response to 2017 JLARC Study and pursuant to 22.1-289.05, the VDOE continues to build out a statewide uniform measurement and improvement system for all publicly-funded birth-to-five programs that promotes school readiness.

	FY22	FY23	FY24	Rationale for Increase
Central Office	NA	280,000	280,000	Provides two DOE positions to support state-funded pre-kindergarten programs
H. Virginia Kindergarten Readiness Program (VKRP)	1,750,000	2,777,000	2,777,000	Expansion of preschool VKRP to more 4 year olds and to pilot three year version; increase in administration costs
J. External Classroom Observations (CLASS)	350,000	805,600	1,047,000	Statewide expansion of accountability system; SGF is for state-funded classrooms; NGF is for federally-funded classrooms

NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000524

Item 129 - Language Changes (No SGF Impact)

New budget language calls for specific actions from the VDOE to ensure maximum choice for families across the public-private early childhood system:

- Convene a workgroup to develop recommendation for the use of marijuana tax revenues to maximize access to public and private pre-kindergarten programs for three and four year and children (N)
- Develop a methodology to estimate the actual cost of providing high quality care and education services in community-based settings (O)
- Remove the existing 72 month limit on the duration of time that families may participate on the Child Care Subsidy Program (P)
- Offer more choice to families in FY23 and FY24 by strengthening the Child Care Subsidy Program, including encouraging parents to pursue work, paying based on enrollment, setting rates based on cost benchmarks and eliminating or reducing copayments for private child care options that aligns with public options (Q)

AMERICAN OVERSIGHT

Item 136 - SGF Impact

Item includes investments to expand public-private partnerships and innovative initiatives that have demonstrated impact.

	FY22	FY23	FY24	Rationale for Increase
O. Wolftrap for STEM and Early Literacy	725,000	1,000,000	1,300,000	Expand services into currently unserved divisions in an equitable manner, with a special focus on capacity building and establishing new services in specific regions
S. Expand Virginia Early Childhood Foundation Mixed Delivery (S)	5,000,000	6,971,900	9,736,015	Offer high quality preschool to more at-risk 4 and 4 year olds in private settings; pilot for 200 infants and toddlers; new language aligns eligibility with VPI to ensure maximum choice for families
CC. Early Childhood Educator Incentive	5,000,000	10,000,000	10,000,000	Expand program that seeks to strengthen quality, attract new educators and reduce turnover in child care and family day home classrooms in support of VQB5
NN. Grow-Your- Own Early Childhood Educator Program	N/A	1,050,000	1,050,000	Provide grants to school divisions-higher education partnerships to build pathways to teacher licensure for early childhood educators

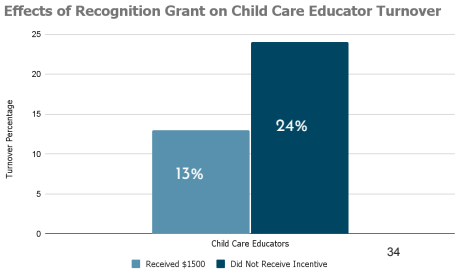
NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

Addressing the EC Educator Shortage

Since 2019, Virginia has been piloting an innovative early childhood educator incentive to reduce turnover and strengthen quality.

- Rigorous research shows that Virginia's $1,500 incentive reduced turnover by half in among child care and family day home educators.
- Virginia increased funding to $2,000 per educator per year in response to COVID 19 and plans to support at least 6,000 educators this year.
- Increased funding in FY23 and FY24 would enable Virginia to address the staffing crisis and to serve all child care and family day home educators as VQB5 is implemented statewide.



Virginia's innovative program has been featured in a US Treasury Report and in national news

AMERICAN OVERSIGHT

Item 137 - SGF Impact

Increasing the VPI per-pupil funding and the number of slots enables school divisions and community partners to prepare more children for kindergarten.

	FY22	FY23	FY24	Rationale for Increase
14. Virginia Preschool Initiative - Per-Pupil Amount	81,03,402	117,240,609	117,531,866	Increase per-pupil amount to $8,359 from $7,655 based on benchmarked costs
Early Childhood Expansion	21,778,364	34,368,036	45,116,920	Details provided below
Serve at risk 3 year olds	*5,487,917*	*12,729,291*	*20,029,791*	*Provide a two year experience for at-risk children to better prepare them for school*
Serve children on wait lists	*966,504*	*3,587,390*	*3,587,390*	*Enable communities to serve more children if need is identified*
Community provider add-ons	*2,501,500*	*4,886,000*	*8,334,384*	*Support school divisions to partner with community-based providers to increase family choice and address physical space limitations*
Increase ratios provided	*6,693,927*	*7,711,560*	*7,711,560*	*Allow more children to be served with existing staff to maximize resources*
Flexible funding	*6,128,516*	*5,453,795*	*5,453,795*	*Enable VDOE to respond to needs in the field*

NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

Item 137 - Language Changes

New budget language seeks to ensure VPI promotes greater school readiness:

- Consider eligible at-risk five-year-olds who are not eligible to attend kindergarten, or who did not have access to a sufficient preschool experience and whose families request preschool as the most appropriate placement (14.a.1)
- Require VDOE to biennially rebenchmark the VPI per pupil amounts using a formula similar to the current formula supporting public K-12 education in Virginia (14.a.4)
- Expand eligibility criteria to include children with disabilities or delays who are eligible for special education services under the Individuals with Disabilities Education Act, regardless of household income (14.d)
- Require VDOE to estimate the actual cost of providing high-quality early childhood education services in community-based setting and provide recommendations for the amount of the community-provider add-on grants in the second year (14.g.2)

AMERICAN OVERSIGHT

Child Care Relief Funding Update

Virginia has used relief funding to provide direct cash assistance, fund emergency child care, restore the Child Care Subsidy Program (CCSP) and address immediate needs. Nearly all unexpended funds have been appropriated to support direct cash assistance or CCSP.

Funding Source	Child Care Total	Spending Deadlines	Funds Remaining as of 12/30/21
Coronavirus Aid, Relief, and Economic Security (CARES) Act via CCDBG	$70,799,409	Obligate: 9/30/22 Liquidate: 9/30/23	$6,456,314 (9%)
Coronavirus Relief Fund (CRF)	$74,941,000	Liquidate: 12/31/21	$0 (0%)
Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act via CCDBG	$203,692,270	Obligate: 9/30/22 Liquidate: 9/30/23	$100,787,6211 (49%)
American Rescue Plan Act via CCDBG (Child Care Stabilization Fund)	$488,605,381	Obligate: 9/30/22 Liquidate: 9/30/23	$243,164,494.95 (50%)
American Rescue Plan Act via CCDBG (Discretionary)	$305,492,999	Obligate: 9/30/23 Liquidate: 9/30/24	All funds

Across multiple grant sources, Virginia will provide more than $600 million in direct cash assistance to more than 4,000 child care and family day home providers.[37]

AMERICAN OVERSIGHT

Questions & Discussion

Jillian Balow
Superintendent of Public Instruction
Jillian.Balow@doe.virginia.gov

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000531

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:42:49 PM
To: "Webb, Emily" <emily.webb@doe.virginia.gov>
Cc: "FOIA, rr" <foia@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Subject: Re: USA TODAY FOIA request VDOE 2.3.22

Thanks for carefully reviewing this one. It is large in scope.

On Thu, Feb 3, 2022 at 2:49 PM Webb, Emily <emily.webb@doe.virginia.gov> wrote:

Good afternoon Rebecca,

Thanks for your email. I don't have any emails, correspondence or documents pertaining to the email address helpeducation@governor.virginia.gov, nor have I sent anything to the Board related to this email address.

Please let me know if you have any questions.

Thanks,
Emily

On Thu, Feb 3, 2022 at 4:01 PM FOIA, rr <foia@doe.virginia.gov> wrote:

Good afternoon, Dicky and Emily:

I hope this message finds you all well. Please see the Virginia FOIA request we received this afternoon from a reporter with USA Today. This request is pretty broad and may require further review and discussion before moving forward.

At minimum, I plan to seek clarification from the reporter regarding the intended meaning of "and/or other personnel" noted in bullet number one. When you have a moment, I kindly request that you please review the below requested items and let me know if you identify any other items that require further clarification from the reporter in order to move forward with processing this request.

I really appreciate your help.

Best regards,
Rebecca W.

---------- Forwarded message ---------
From: **Miller, Ryan** <rwmiller@usatoday.com>
Date: Thu, Feb 3, 2022 at 12:12 PM
Subject: USA TODAY FOIA request VDOE 2.3.22
To: foia@doe.virginia.gov <foia@doe.virginia.gov>

Hi Ms. Askew,

Please see the attached PDF for my FOIA request. In brief, the request is seeking:

- Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request

- Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all

- Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all

Please let me know if you have any questions or concerns regard this request.

Thanks,

Ryan Miller

Reporter, USA TODAY

Cell: (443) 990-1164

Twitter: @RyanW_Miller

AMERICAN OVERSIGHT

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Emily V. Webb
Director, Office of Board Relations
Virginia Department of Education
Phone: (804) 225-2924
Email: emily.webb@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/7/2022 12:10:04 PM
To: "FOIA, rr" <foia@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Cc: "Emily Webb" <emily.webb@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Subject: Re: USA TODAY FOIA request VDOE 2.3.22

Approved.

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Please let me know if you have any questions or concerns regard this request.

Thanks,

Ryan Miller

Reporter, USA TODAY

Cell: (443) 990-1164

Twitter: @RyanW_Miller

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/8/2022 7:44:08 AM
To: "Ben Kiser" <b.kiser@vassonline.org>
Cc: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Bean, Jennifer" <jennifer.bean@governor.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: VASS Board Meeting-Tuesday, March 8

Attachments: image003.jpg

Morning, Executive Director Kiser,
We look forward to today's meeting. Prior to asking and responding to these questions, could we acknowledge those who are in the meeting by way of introductions and then remarks from Secretary Guidera, you, anyone else from your leadership team, and myself?

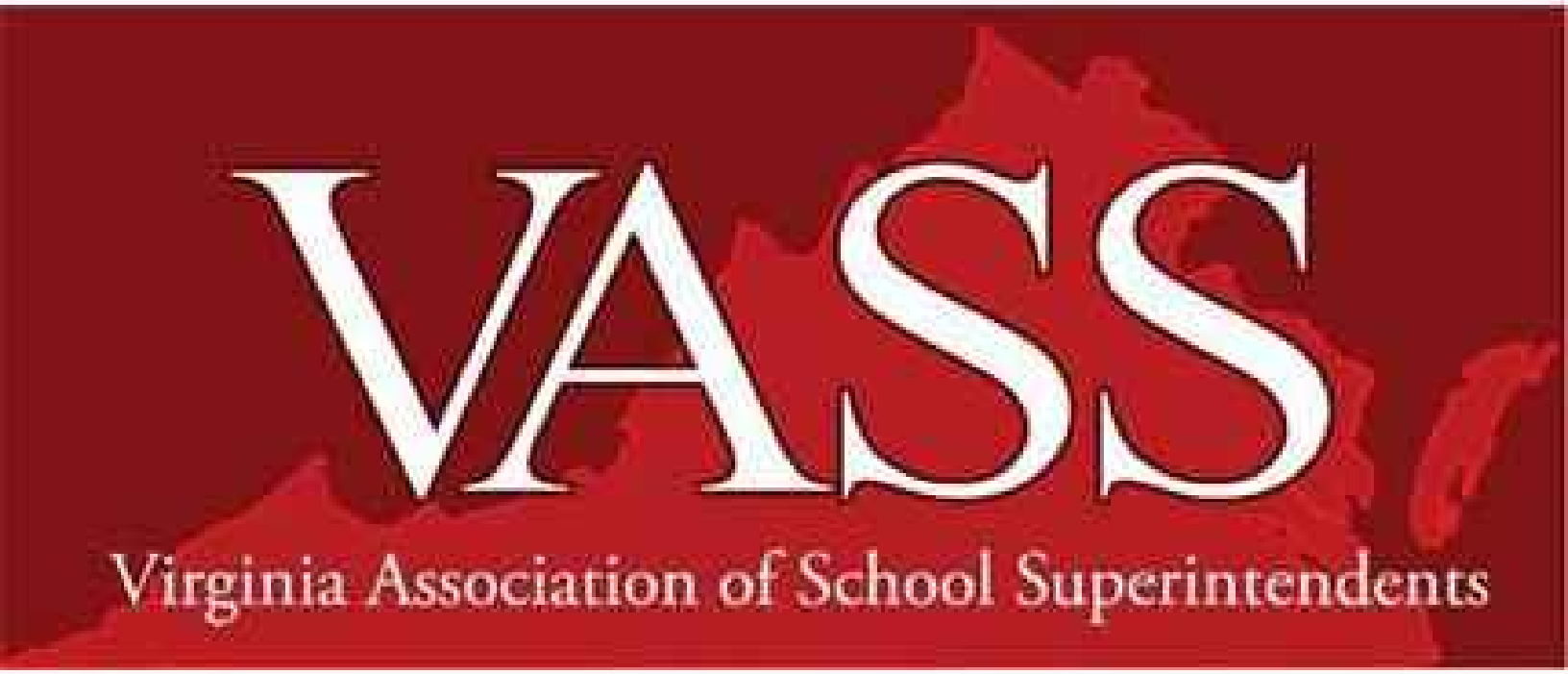
Thank you for attaching the Blueprint document - I look forward to reviewing it.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Mon, Mar 7, 2022 at 6:20 PM Ben Kiser <b.kiser@vassonline.org> wrote:

> Secretary Guidera
>
> Superintendent Balow
>
> Thank you again for meeting with the VASS Board tomorrow, Tuesday, March 8, from noon to 1:00 p.m. VASS President, Dr. Zeb Talley, Jr., Superintendent in Martinsville City Schools, will open the meeting and welcome you and the others. Dr. Talley will then ask Superintendent Balow the two questions below regarding the 30-day report pertaining to Governor Youngkin's Executive Order #1:
>
> 1. To our knowledge, division superintendents were not consulted in reviewing content or in the development of the 30-day report to the Governor. In fact, division superintendents received the report by way of the press. How will you involve division superintendents in other aspects of educational services for children moving forward?
> 2. Division superintendents have worked with the Virginia Department of Education, the Secretary's office and their own school communities for several years in ensuring equitable services and support for all children, no matter where they live. How does transitioning from equity to opportunity ensure that all children will receive the services and support they need, regardless of where they live?
>
> Following the responses to the questions above, VASS board members will share their perspectives and questions as well for both of you to respond. We hope tomorrow will be the first of many conversations with superintendents as we all strive daily to best serve children.
>
> I am also attaching the latest VASS Blueprint for Achieving Equity in Virginia's Public Schools. Again, we look forward to tomorrow.
>
> Howard B. Kiser (Ben), Ed.D.
>
> Executive Director, VASS
>
> P.O. Box 68
>
> Batesville, Virginia 22924
>
> b.kiser@vassonline.org
>
> Office: 804-562-4430
>
> Cell: 804-815-7661
>
> VASS
> Virginia Association of School Superintendents

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/3/2022 9:47:51 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: APPROVAL NEEDED ASAP: Please review Superintendent's Weekly Cabinet Report
Attachments: Super Intendent Cabinet Weekly Reports 3-4-22.docx **Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor**

See attached. Thanks.

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/11/2022 2:26:55 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL GOVERNOR'S WORKING PAPERS: [redacted]

Attachments: DRAFT WORKING PAPER [redacted] docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/21/2022 9:47:05 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL: GOVERNOR'S WORKING PAPERS

Attachments: CONFIDENTIAL GOV [redacted] **Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor**

Redacted per Va. Code § 2.2-3705.7(2)

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/21/2022 9:41:48 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: CONFIDENTIAL: GOVERNOR'S WORKING PAPERS
Attachments: Redacted per Va. Code § 2.2-3705.7(2) , EdEquityVA-1.png , EdEquityVA-2.png

First 2 attachments withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Balow, Jillian** <jillian.balow@doe.virginia.gov>
Date: Mon, Feb 21, 2022 at 8:29 PM
Subject: CONFIDENTIAL: GOVERNOR'S WORKING PAPERS
To: Aimee Guidera <aimee.guidera@gov-elect.virginia.gov>

Redacted per Va. Code § 2.2-3705.7(2)

ATTACHED.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

Systemic and institutional racism are interchanged, but school and division leaders should note that *institutional* racism focuses on unfair practices or policies within and between institutions—such as discipline policies—that disproportionately impact students of color. Systemic racism includes institutional racism but takes it further by examining the historical, cultural, and social factors in the unequal power, access, opportunities, treatment, and outcomes between white students and students of color. (from: How school and district leaders can address systemic racism)

The Basic Tenants of Anti-racist Education

A. Racism exists today, in both traditional and modern forms.
B. All members of society have been socialized to participate in racist systems.
C. White people benefit from racism, regardless of intentions.
D. The racial socialization of each member of modern society occurred without consent and doesn't make anyone a bad person.

Adapted from author Robin DiAngelo's book, White Fragility and the Urban Institute's, Structural Racism in America.

Terms and Definitions

-**Antiracism:** results from a conscious decision to make frequent, consistent, equitable choices daily. These choices require ongoing self-awareness and self-reflection. In the absence of making antiracist choices, aspects of white supremacy, white-dominant culture, and unequal institutions and society are upheld. (Adapted from *Talking About Race – Being Antiracist.* The Smithsonian National Museum of African American History & Culture.)

-**Anti-racist:** someone who is supporting an anti-racist policy through their actions or expressing anti-racist ideas. Being an antiracist requires active opposition to racism. Being racist or anti-racist is not about who you are or what you believe; it is about what you do. (Kendi, I. X. (2019). How to be an antiracist. New York: One World.)

-**Anti-racist Education:** a set of pedagogical, curricular, and organizational strategies that promote racial equality by identifying, then eliminating, systemic racism. It moves beyond prejudice and discrimination as a problem to be corrected in individuals in order to examine critically how institutional structures support racist practices economically, politically, and culturally. (Niemonen, J. (2007). Antiracist Education in Theory and Practice: A Critical Assessment. *The American Sociologist, 38*(2), 159-177. doi:10.2307/27700497)

-**Anti-racist Pedagogy:** an approach that works proactively to interrupt racism. In classroom practice, anti-racist pedagogy acknowledges the

AMERICAN OVERSIGHT

What We Are Reading

- Share This Page

Virginia's **#EdEquityVA** work is informed by literature, best practice, and research. Below are the resources the Office of Equity and Community Engagement references in the development of our work, as well as texts we recommend:

- -**Walking the Equity Talk**: A Guide for Culturally Courageous Leadership in School Communities by John Roert Browne II
- -**Culturally Responsive Teaching and the Brain** by Zaretta Hammond
- -**The Dreamkeepers**: Successful Teachers of African American Children by Gloria Ladson-Billings
- -**Culturally Responsive Teaching**: Theory, Research, and Practice (third edition) by Geneva Gay
- -**Pushout**: The Criminalization of Black Girls in Schools by Monique W. Morris
- -**We Want to Do More Than Survive**: Abolitionist Teaching and the Pursuit of Educational Freedom by Bettina Love
- -**How to Be an Antiracist** by Ibram X. Kendi
- -Pedagogy of the Oppressed by Paulo Freire

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/26/2022 1:50:47 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Please Read: [redacted]

Attachments: [redacted].pdf

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

NOT FOR SHARING

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

AMERICAN OVERSIGHT

From: Shanor, Dicky <dicky.shanor@doe.virginia.gov>
Sent: 1/19/2022 11:03:51 PM
To: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: Redacted per Va. Code § 2.2-3705.7(2)
Attachments: Redacted per Va. Code § 2.2-3705.7(2)
Redacted per Va. Code § 2.2-3705.7(2)

2 Attachments withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

Notes for tomorrow at 3 p.m.

---------- Forwarded message ---------

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/18/2022 6:24:08 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Laura Jennings" <laura.jennings@doe.virginia.gov>
Subject: Re: Supts Emails for Tomorrow

Redacted per Va. Code § 2.2-3705.7(2)

Thank you.

Jillian Balow

On Tue, Jan 18, 2022 at 4:00 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

Hi Dicky,

Thought I'd put these in front of you - they need to be approved to go out tomorrow. We have an electronic approval system that will send emails to Jillian - let me know how you all would like to handle these.

We have supts emails that go out on Mondays and Wednesdays - these are sent to division supts and typically advertise professional learning or are announcement-based. Fridays are the day for Supts Memos - which are posted publicly on the website in addition to being mailed out via GovDelivery.

I am pulling these links - they're all Google Docs until we publish them.

1/19/2022	8043712476	https://docs.google.com/document/d/1TmTq2I1SC4dH8dgOd9Gsp-ysYEsNHZtY0Nf28W7-ihU/edit#heading=h.hvtiy3347m51	Requests from Division Superintendents to Modify the Licensure Regulations for School Personnel for School Counselors
Redacted per Va. Code § 2.2-3705.7(2)			
1/19/2022	8047868079	https://docs.google.com/document/d/1SjYYsSFDXlqFXt19EaQ0PyRqEz28lUVo/edit	The Virginia Council of Administrators of Special Education (VCASE) Awards of Excellence for Special Education Administrators
1/19/2022	804-300-7172	https://docs.google.com/document/d/1xDMZUrBq_gAN3wMA26NlkzKaZnlP_WEX9Nm1g51T5tg/edit#	CERTAIN: Addressing Challenging Behaviors Academy for First- and Second-Year Assistant Principals

While I am in the approval queue for these, Laura does the heavy lifting of getting these out the door.

JGH

--

JOHN G. HENDRON, ED.D.
Project Manager of Professional Learning & Organizational Development
OFFICE OF HUMANITIES | DEPARTMENT OF LEARNING & INNOVATION
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.929.8617 | John.Hendron@doe.virginia.gov

AMERICAN OVERSIGHT

From: Hendron, John <john.hendron@doe.virginia.gov>
Sent: 1/18/2022 5:00:11 PM
To: dicky.shanor@doe.virginia.gov
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Laura Jennings" <laura.jennings@doe.virginia.gov>
Subject: Supts Emails for Tomorrow

Hi Dicky,

Thought I'd put these in front of you - they need to be approved to go out tomorrow. We have an electronic approval system that will send emails to Jillian - let me know how you all would like to handle these.

We have supts emails that go out on Mondays and Wednesdays - these are sent to division supts and typically advertise professional learning or are announcement-based. Fridays are the day for Supts Memos - which are posted publicly on the website in addition to being mailed out via GovDelivery.

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1/19/2022	8043712476	https://docs.google.com/document/d/1TmTq2f1SC4dHBdtgQd3Gsp-ysYEsNHZtY0NfZeW7-ihU/edit#heading=h.hxiy3347m51	Requests from Division Superintendents to Modify the Licensure Regulations for School Personnel for School Counselors
1/19/2022	8047868079	https://docs.google.com/document/d/1SjYYsSFDXJqEX19EqQ0PyRqEzZ8IUVo/edit	The Virginia Council of Administrators of Special Education (VCASE) Awards of Excellence for Special Education Administrators
1/19/2022	804-300-7172	https://docs.google.com/document/d/1xDMZUrBq_qAN3wMA26NlkzKaZnlP_WEX9Nm1q51T5tg/edit#	CERTAIN: Addressing Challenging Behaviors Academy for First- and Second-Year Assistant Principals

Redacted per Va. Code § 2.2-3705.7(2)

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JGH

--

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OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.929.8617 | John.Hendron@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/15/2022 12:55:03 PM
To: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Attachments: Lettertofightforschools (1).docx

FYI

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Tue, Mar 15, 2022 at 12:14 PM
Subject: Re: Loudoun Letter
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Cc: Richard Shanor <dicky.shanor@doe.virginia.gov>

Here you go. Final Draft

On Tue, Mar 15, 2022 at 10:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege could you send me latest or do you want me to add the address? Are there any other changes?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 12:20 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
PO Box 523452
Springfield, VA 22152

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 11:28 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
Perfect. Thank you

On Mon, Mar 14, 2022 at 11:24 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
I have - Jon, here are my edits...
https://docs.google.com/document/d/1RxqnMwTjDrA2tYHK_O4onA069UYWOl6W/edit
I am getting you a physical address for the letter.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 10:29 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
Elizabeth,

Have you had a chance to work on this yet?

Thanks,
Dicky

On Tue, Mar 8, 2022 at 2:04 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and the provided supporting documentation in regards to Loudoun County Public Schools Superintendent Scott Ziegler.

Please know the issues raised in the letter are being monitored very closely. As the Office of the Attorney General (OAG) is currently conducting an investigation of the school district, any decision or action with respect to the Loudoun County School District and Dr. Ziegler will be held until the completion of the OAG's work.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/15/2022 12:14:01 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Attachments: Lettertofightforschools (1).docx

Here you go. Final Draft

On Tue, Mar 15, 2022 at 10:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege - could you send me latest or do you want me to add the address? Are there any other changes?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
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804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 12:20 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> PO Box 523452
> Springfield, VA 22152
>
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
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> >
> > > I have - Jon, here are my edits...
> > > https://docs.google.com/document/d/1RxqnMwTjDrA2tYHK_O4onA069UYWOl6W/edit
> > > I am getting you a physical address for the letter.
> > >
> > >
> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
> > > Richmond, Virginia 23219
> > > 804-658-6043
> > > elizabeth.schultz@doe.virginia.gov
> > >
> > >
> > >
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> > >
> > >
> > > On Mon, Mar 14, 2022 at 10:29 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > >
> > > > Elizabeth,
> > > >
> > > > Have you had a chance to work on this yet?
> > > >
> > > > Thanks,
> > > > Dicky
> > > >
> > > > On Tue, Mar 8, 2022 at 2:04 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Russell, Jon** <jon.russell@doe.virginia.gov>
> > > > Date: Mon, Mar 7, 2022 at 1:03 PM
> > > > Subject: Loudoun Letter
> > > > To: Richard Shanor <dicky.shanor@doe.virginia.gov>
> > > >
> > > > Dicky, please give this letter a once over before I button it up for Jillian.
> > > >
> > > > Thanks
> > > > Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

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Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 10:19:43 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Great, thanks!

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

> Letter has been sent out in the mail.
>
> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
>
> > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

[redacted]
Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

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[redacted]
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AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/17/2022 10:17:23 AM
To: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>
Cc: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Letter has been sent out in the mail.

On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

> looks good, I would get it out.

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AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

[redacted]

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 10:16:19 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Russell, Jon" <jon.russell@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

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Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/23/2022 8:23:19 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Agree, For the future I suggest we start using google drive for shared documents and to track changes. Having letters circulating via email leaves too much room for error, not knowing who has the final document and what changes have been made.

On Tue, Mar 22, 2022 at 10:56 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

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Need to use Track Changes assiduously going forward.
ELS

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Tue, Mar 22, 2022 at 6:31 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
No problem. ☺☺☺☺

On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
Would you please send me the final letter in pdf format?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
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looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

On Tue, Mar 15, 2022 at 2:50 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
Hello All, Once we get final approval, Jillian wants this letter out the door today if at all possible.
Sincerely,
Jon

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

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[redacted]

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
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elizabeth.schultz@doe.virginia.gov

--

Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/23/2022 9:37:46 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: [redacted] ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Great idea. We have shared drives we can use to house & review documents.
ELS

On Wed, Mar 23, 2022 at 8:23 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> Agree, For the future I suggest we start using google drive for shared documents and to track changes. Having letters circulating via email leaves too much room for error, not knowing who has the final document and what changes have been made.

[redacted]

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> ELS
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
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> > > Would you please send me the final letter in pdf format?
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> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
> > > Richmond, Virginia 23219
> > > 804-658-6043
> > > elizabeth.schultz@doe.virginia.gov
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> > > On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
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> > > >
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> > > > > looks good, I would get it out.

[redacted]

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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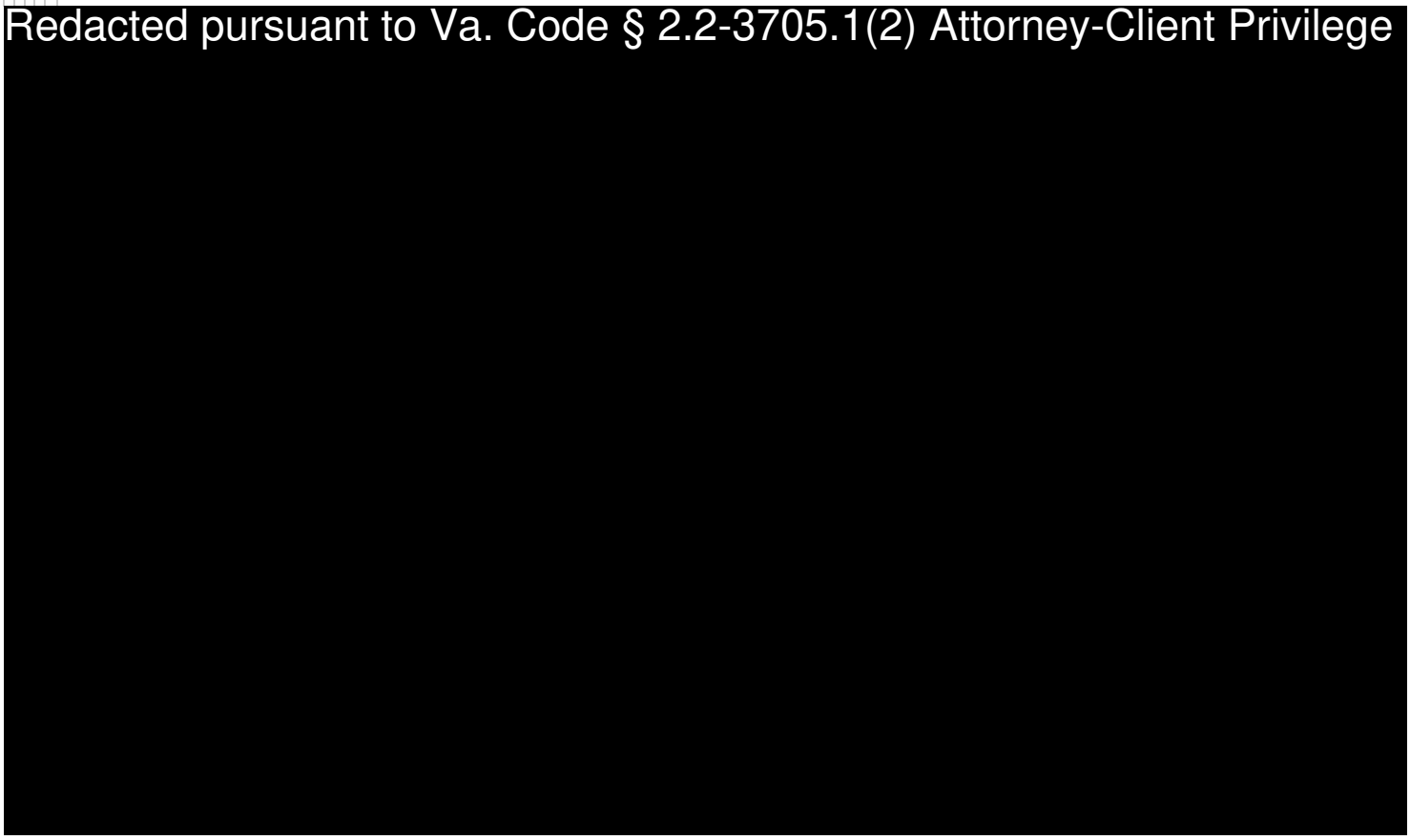

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Sincerely,

Jon Russell
Senior Advisor
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elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Richard Shanor <dicky.shanor@doe.virginia.gov>
Sent: 1/26/2022 10:43:40 PM
To: amber.salter@governor.virginia.gov
Cc:
Subject: Tentatively Accepted: Secretary Guidera & Jillian Balow- Sen Ed & Health -Publi... @ Thu Jan 27, 2022 1:30pm - 3pm (EST) (amber.salter@governor.virginia.gov)

Attachments: invite.ics

Richard Shanor has replied "Maybe" to this invitation.

Secretary Guidera & Jillian Balow- Sen Ed & Health -Public Education Sub-30 minutes after adjournment

When Thu Jan 27, 2022 1:30pm – 3pm Eastern Time - New York

Where Subcommittee #2 5th Floor (map)

Calendar amber.salter@governor.virginia.gov

Who
- amber.salter@governor.virginia.gov - organizer
- jillian.balow@doe.virginia.gov
- sarah.spota@governor.virginia.gov
- aimee.guidera@governor.virginia.gov
- jennifer.bean@governor.virginia.gov
- dicky.shanor@doe.virginia.gov

Jillian Balow-SB570	Kiggans	Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited.
Secretary Guidaera-SB598	Pillon	College partnership laboratory schools; application and establishment
SB600	Pillon	School safety audits; law-enforcement officers
SB656	Dunnavant	Board of Education; policy on sexually explicit instructional material.

Invitation from Google Calendar

You are receiving this email at the account amber.salter@governor.virginia.gov because you are subscribed for invitation replies on calendar amber.salter@governor.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 6:52:21 PM
To: "Ben Kiser" <b.kiser@vassonline.org>, ztalley@martinsville.k12.va.us
Cc: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "Loving-ryder, Shelley" <Shelley.Loving-Ryder@doe.virginia.gov>, "Kent Dickey" <Kent.Dickey@doe.virginia.gov>, "Dave Myers" <dave.myers@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Atkins, Rosa" <rosa.atkins@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Thank you and follow-up

Superintendent Talley, Executive Director Kiser,
Thank you for the productive meeting yesterday. Secretary Guidera and I appreciated the opportunity to visit with superintendents. We were encouraged by the conversation and next steps. Continued dialogue and a shared understanding about our work going forward is essential. In follow-up, here are action items:

- My team and I will seek input from superintendents as we develop the 90-day report required in Governor Youngkin's Executive Order #1. The report, among other things, will address #12 in the executive order. Closing Virginia's achievement gap is a goal for all of us.
- Direct communication is important. I will send a weekly update with a preview of superintendent's memos, federal updates, and other information for superintendents.
- We will continue to prioritize meetings with region representatives. In the next week, we will send out a reminder of who your VDOE liaison is - please reach out to your liaison or me anytime.

I am confident our work together will continue to be productive and beneficial for all of Virginia's students.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/1/2022 3:56:05 PM
To: "Carol Ann Lawson" <carolann.lawson@doe.virginia.gov>
Cc:
Subject: Why does this say we have 550 FTEs?

Attachments: SFAC_Presentation_Balow.pptx

--
Dicky Shanor
Chief of Staff
Virginia Department of Education

AMERICAN OVERSIGHT

Early Childhood & K-12 Budget Updates

Presented to
The Senate Finance K-12 Subcommittee
January 2022

Jillian Balow
Superintendent for Public Instruction
Virginia Department of Education

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000570

Governor Youngkin's K-12 Budget Amendments

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000571

Governor Youngkin's K-12 Budget Amendments

Proposed Investments

- Laboratory Schools
- School Resource Office Incentive Grants

Language Only

- Prohibits the promotion of inherently divisive concepts in public education

AMERICAN OVERSIGHT

K-12 Related Budget Amendments

	FY23 GF	FY24 GF	Context
Lab Schools Item 136 #16g	$100M	$50M	Adds to the existing Lab School fund established by § 22.1-349.2.
SRO Incentive Grants Item 408 #12g	$25.8M	$25.8M	Adds to the existing SRO incentive grant fund housed at the Department of Criminal Justice Services (DCJS)

AMERICAN OVERSIGHT

Divisive Issues Language
HB29 - Item 4-14.00 #2g

That the Code of Virginia is amended by adding a section numbered 22.1-208.03 as follows: § 22.1-208.03. *Curricula and instruction including inherently divisive concepts prohibited.*

A. As used in this section, "inherently divisive concepts" means advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964, including, but not limited to of the following concepts (i) one race, skin color, ethnicity, sex, or faith is inherently superior to another race, skin color, ethnicity, sex, or faith; (ii) an individual, by virtue of his or her race, skin color, ethnicity, sex or faith, is racist, sexist, or oppressive, whether consciously or subconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race, skin color, ethnicity, sex or faith; (iv) members of one race, ethnicity, sex or faith cannot and should not attempt to treat others as individuals without respect to race, sex or faith; (v) an individual's moral character is inherently determined by his or her race, skin color, ethnicity, sex, or faith; (vi) an individual, by virtue of his or her race, skin color, ethnicity, sex, or faith, bears responsibility for actions committed in the past by other members of the same race, ethnicity, sex or faith; (vii) meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

B. Each public elementary or secondary school principal shall ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity."

5

As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
- **Virginia Preschool Initiative -** Enrollment numbers were down 6% (1,041 slots), despite extending the enrollment period to January 2021. Overall preschool enrollment decreased by 18.58%.
- **Child Care Subsidy -** Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19.

AMERICAN OVERSIGHT

VDOE Central Office Budget as Introduced in SB30

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000575

Overview

Introduced Budget for 2022-2024 Includes:

1. Technical Adjustments
   - Anticipated Technical Adjustments
   - Programmatic Savings

2. Non-technical Changes
   - Early Childhood Care and Education
   - Responding to JLARC
   - Other Agency Investments

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000576

Central Office Operating Budget Overview

Department of Education, Central Office Operations

	Operating Budget Summary			Authorized Position Summary		
	General Fund	Nongeneral Fund	Personnel Cost	General Fund	Nongeneral Fund	Total Positions
2019 Appropriation	$61,947,187	$46,717,981	$34,941,342	144.00	185.50	329.50
2020 Appropriation	$64,519,602	$56,618,929	$35,713,502	149.00	185.50	334.50
2021 Appropriation	$75,141,179	$57,417,607	$37,633,110	151.00	185.50	336.50
2022 Appropriation	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2023 Base Budget	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2023 Intro Changes	$6,043,995	$32,912,537	$5,733,424	30.00	0.00	30.00
2023 Total	**$77,802,577**	**$337,773,641**	**$44,018,908**	**188.17**	**335.83**	**524.00**
2024 Base Budget	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2024 Intro Changes	$18,719,820	$39,434,714	$9,074,849	56.00	0.00	56.00
2024 Total	**$90,478,402**	**$344,295,818**	**$47,360,333**	**214.17**	**335.83**	**550.00**

AMERICAN OVERSIGHT

Programmatic Savings Captured (GF except where noted)

	FY23	FY24	Context
CTE Database	($208,000)	($208,000)	Removes one–time funding to replace the CTE curriculum database and integrate the system into the state's learning management system.
IEP Training Module	($75,000)	($75,000)	Removes one-time funding to develop training modules for IEP team members.
SPED Training Module for licensure renewal	($150,000)	($150,000)	Removes one-time funding to develop a training module for teachers seeking to renew their teaching license on special education and differentiated instruction
Teacher Licensure Automation	($100,000)	($100,000)	Removes one–time funding transferred from FY2021 to FY2022 in Chapter 552 to automate the teacher licensure system.
COVID Relief Funding (NGF)	($68,208,428)	($68,208,428)	Removes one–time federal COVID–19 relief funding from the agency's base appropriation.
Division Monitoring Plan		($120,000)	Removes one–time funding in the second year to develop and implement a pilot program to more comprehensively supervise school division compliance with state standards.

AMERICAN OVERSIGHT

Responding to JLARC

The December 2020 JLARC Report on *Operations and Performance of the VDOE* made recommendations around the Office of School Quality and role of the Department in teacher recruitment and retention. The Introduced budget includes two items directly related to this JLARC report.

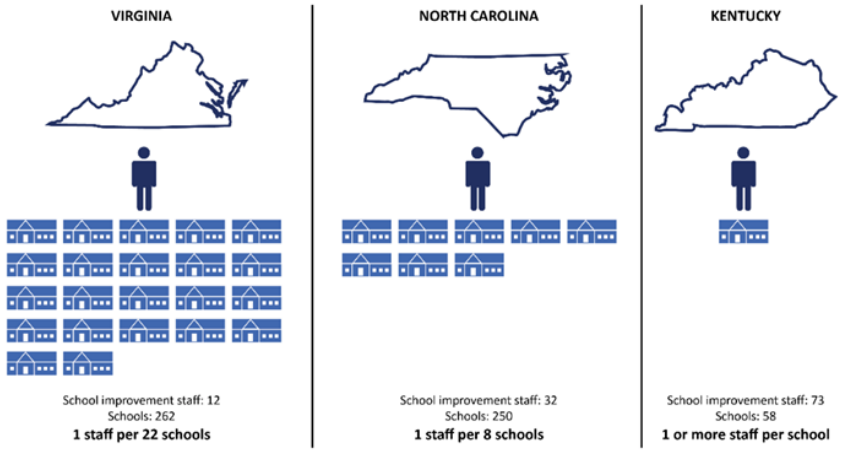
Office of School Quality (GF)	$3,325,860 (25 positions)	$6,552,285 (50 positions)	Expands the Office of School Quality to establish a regional continuous improvement model of support for school divisions not meeting state accreditation standards and federal accountability standards.
Teacher Recruitment and Retention			Language only: Expands the focus of funding and positions previously provided for teacher recruitment and retention to support all critical shortage areas.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000579

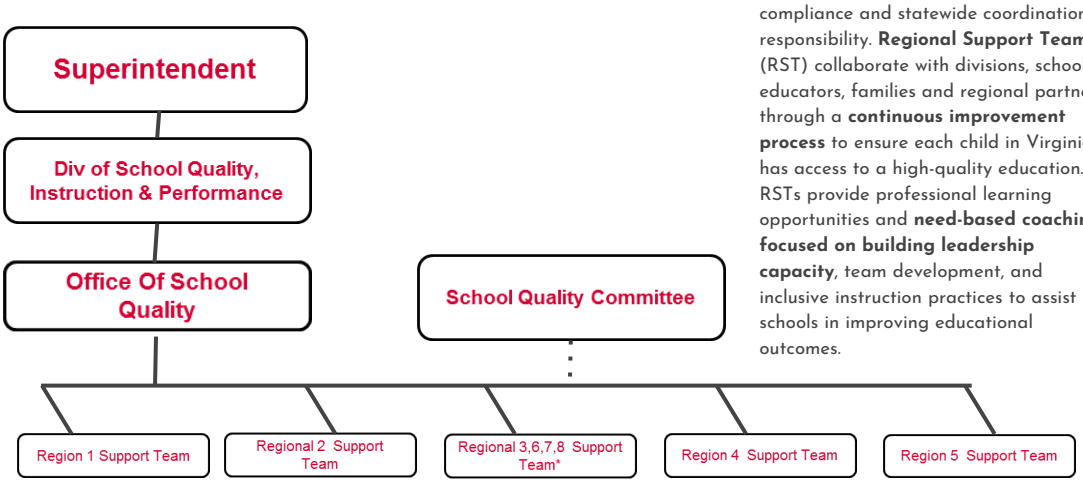
Rethinking Support for School Quality in Virginia

VDOE's Office of School Quality has more schools per staff in need of improvement than comparable offices in neighboring states



AMERICAN OVERSIGHT

Proposed Organization Structure



Office of School Quality maintains compliance and statewide coordination responsibility. **Regional Support Teams** (RST) collaborate with divisions, schools, educators, families and regional partners through a **continuous improvement process** to ensure each child in Virginia has access to a high-quality education. RSTs provide professional learning opportunities and **need-based coaching focused on building leadership capacity**, team development, and inclusive instruction practices to assist schools in improving educational outcomes.

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VA-DOE-22-0316-B-000581

Role of Regional Support Teams

Desired Outcomes:

-Increase use of data informed decisions

-Address complex factors to advance division efforts to provide quality leadership

-Willing partnership at state-division-school

-Coordinated continuous improvement efforts

Each team member will coordinate differentiated high-quality support to designated divisions within regions to include more intensive support to divisions with a memorandum of understanding, and Federally Identified Schools with Level II and Level III indicators.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000582

Agency Support (GF) - Associated with Recently Adopted Legislation

	FY23	FY24	Context
Continued support for Growth Assessments		$5,000,000	Provides ongoing state support to administer the through–year growth assessments for grades three through eight required by Chapter 443 and Chapter 444, 2021 Acts of Assembly, Special Session I. Federal relief funds support this cost in fiscal year 2023.
Marijuana Education	$310,000		Supports the development and provision of educational and professional development resources regarding marijuana use, pursuant to the provisions of Chapter 550, 2021 Acts of Assembly, Special Session I.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000583

Other Introduced Central Office Items (GF except where noted)

	FY23	FY24	Context
Continued support for Statewide Learning Management System		$5,138,000 (1 position)	State support for statewide learning management system; will be covered with federal funds in FY23.
NGF Support for Virtual Virginia	$26,088,705	$32,610,882	Increases the nongeneral fund appropriation supporting Virtual Virginia to align the appropriation with expected revenues and expenditures for fee-based programs.
Working Conditions and Climate Survey	$235,742 (2 positions)	$235,742 (2 positions)	Provides 2 positions to ensure sufficient staffing for the statutorily required working conditions and climate survey.
Eastern Shore STEM Governor's School	$500,000		VDOE to study options for establishing a Science, Technology, Engineering, and Mathematics (STEM) Governor's School on the Eastern Shore.
Support for Social Emotional Learning Standards	$221,514 (1 position)	$221,514 (1 position)	Supports the creation of statewide training resources for local school divisions, as well as one position to lead social emotional learning efforts and to provide assistance to local school divisions.

AMERICAN OVERSIGHT

Early Childhood Budget Proposals

VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA IS FOR LEARNERS

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000585

Overview

1. Key Insights
2. Overview of Investments
3. Item Detail
4. Questions

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VA-DOE-22-0316-B-000586

State of Early Childhood

Early childhood is open and serving children in-person yet challenges remain.

- As of Fall 2021, all schools and Head Start programs are now open for full-time in-person learning. More than 90% of child care programs have reopened.
- Early childhood enrollment has rebounded to or above pre-pandemic levels.
- More families are choosing public-private options such as Mixed Delivery and Child Care Subsidy.
- Young learners have experienced significant academic and social-emotional setbacks, especially in early literacy and math.
- Staffing challenges continue to limit the availability of child care and ability of educators to fully respond to children's greater needs.

As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
- **Virginia Preschool Initiative -** Enrollment numbers were down 6% (1,041 slots), despite extending the enrollment period to January 2021. Overall preschool enrollment decreased by 18.58%.
- **Child Care Subsidy -** Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19.

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2021-2022 Enrollment

Early childhood enrollment has rebounded in the Virginia Preschool Initiative and Child Care Subsidy Program; current participation is at or above pre-pandemic levels.

Virginia Preschool Initiative - Enrollment numbers have rebounded to pre-pandemic levels, with over 18,000 four-year-olds and 1,200 3 year olds participating in 2021-2022.

Child Care Subsidy - Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19. In January of 2022, subsidy enrollment exceeds 28,000 children, well over pre-pandemic levels.

VECF Mixed Delivery - Through expansion and new investments, the program has expanded to serve over 1,200 3 and 4 year olds in 2021-2022, compared to 250 last year.

Head Start - 14,000 Head Start slots are available in Virginia in 2021-2022.

The initial FY21 ADM projection for the Chapter 1289 budget adopted at the 2020 GA session was created in Nov. 2019 prior to the onset of the pandemic and used normal division enrollment patterns for the division projections. With the first data point indicating impact of the pandemic on enrollment being available, which was Sept. 30th, 2020 Fall Membership, the next project occurred in Nov. 2020 and was used for the Chapter 552 budget adopted at the GA Special Session in March. This reprojection brought down the FY21 ADM projection by 44,000 students, consistent with Sept. 30 Fall Membership reported by divisions early in the 20-21 school year under pandemic conditions. Finally, actual/certified actual March 31 ADM came in at 1,210,463, about 2,600 students lower than DOE's final projection last fall. I think this data was requested to show the significant drop off in enrollment which drives ADM and state funding and probably the need for the No Loss funding that helped backfill this significant enrollment loss due to the pandemic.

The Home School/Religious Exempt did increase significantly this year which accounts for some of the 40K+ drop in enrollment this year:
18-19 - 43,505
19-20 - 44,226
20-21 - 65,571

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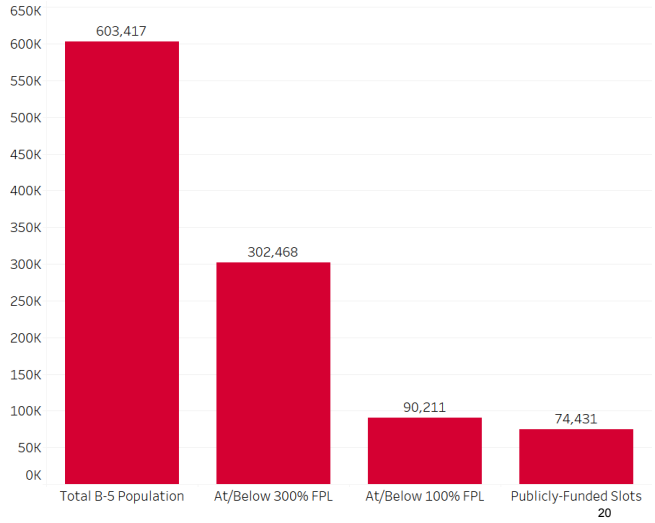
Potential Demand Exceeds Slots



- About **15%** of children, from birth to age 5, are living at or below 100% FPL.
- Roughly **50%** of the early childhood population in Virginia live at or below 300% FPL, or $79,500 for a family of 4.
- Only **12.3%** of the Commonwealth's early childhood population can be served by the current number of publicly-funded slots through VPI, CCSP, Mixed Delivery, and EHS/HS.

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The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

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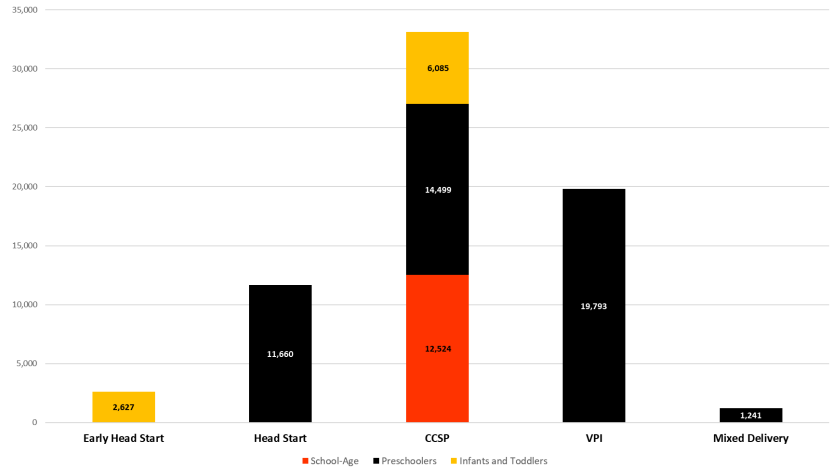
AMERICAN OVERSIGHT

Most Public Funds Support Preschool



Who do publicly-funded early childhood slots support?

- **13%** support infants and toddlers
- **69%** support preschoolers
- **18%** support school-age children

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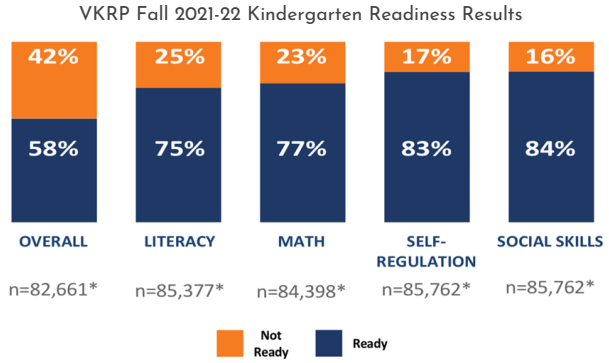
School Readiness in 2020-21

Fall 2021 VKRP data show the impact of COVID 19 on Virginia's youngest learners. More than 21,000 Virginia kindergarteners are at serious risk of reading failure, in the absence of intervention.



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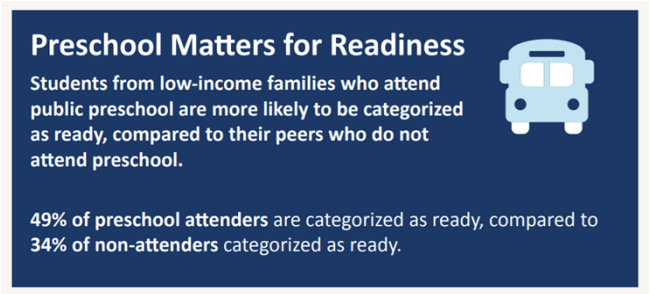
Disparities in Readiness

Greater percentages of historically underrepresented children began the school year below the overall readiness benchmark including:

52% of Black students, and 60% of Hispanic students
56% of students from low-income backgrounds
67% of English language/Multilingual learners
64% of students identified as having a disability



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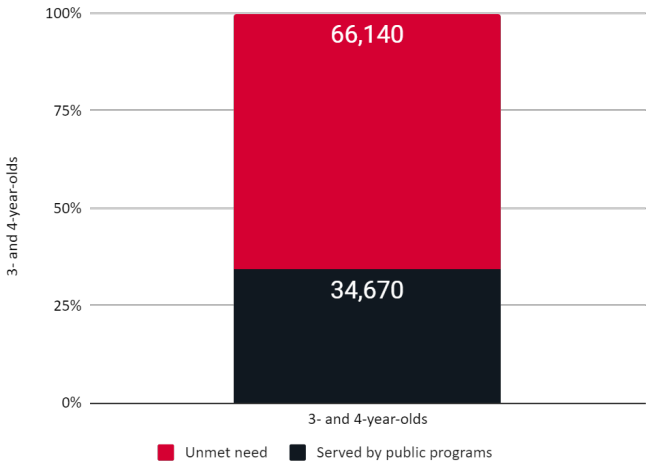
Unmet Need in Preschool



- Approximately 1 in 3 preschoolers in Virginia lacks access to publicly-funded early childhood education.
- Most are 3 year olds.

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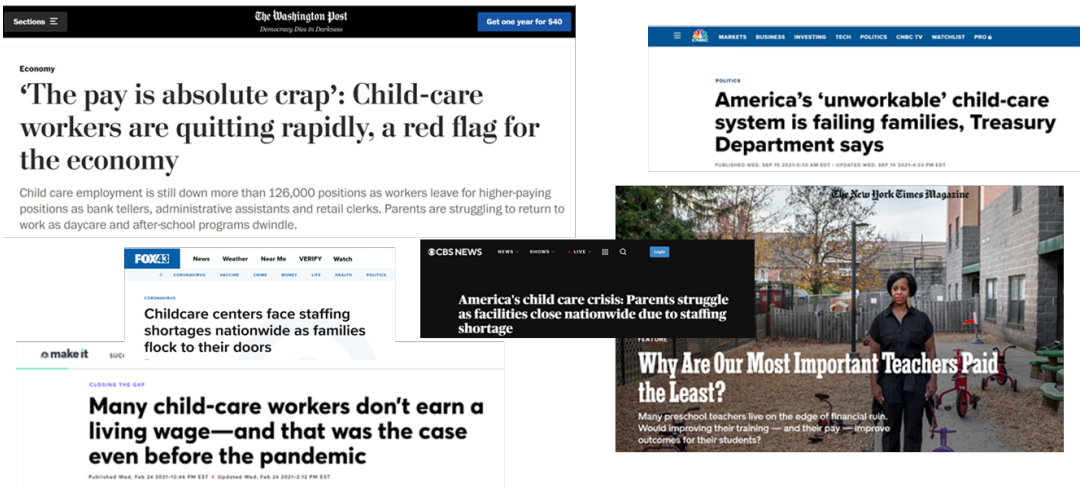
Child Care Workforce Crisis



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Voices from the Field

Virginia recently conducted a statewide survey of child care providers. Initial results show how challenging it is to attract, hire and retain staff:

- Two out of three (66%) of directors reported staffing was either moderately or very hard.
- Of those directors who said they had a staff opening or had made a hire since July, we asked how hard hiring had been. The vast majority (83%) said it was either moderately or very hard.
- These staffing challenges had real implications:
  - 74% said they asked current staff to work more hours or take on additional duties
  - Over half (52%) said staffing challenges made them serve fewer children or turn families away
  - Over a third (36%) reduced the number of classrooms at their sites
  - 56% said they hired an applicant that was less experienced/or qualified than preferred

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VA-DOE-22-0316-B-000595

Transition Update

In 2020 Virginia established a statewide, unified public-private early childhood care and education system to be implemented by the VDOE. This creates a single point of accountability for school readiness.

As of July 1, 2021, VDOE is responsible for:

- Overseeing all aspects of the child care and early education system,
- Implementing the new measurement and improvement system, called VQB5, for all publicly-funded birth-five classrooms which supports families to choose quality across different settings
- Supporting the new Early Childhood Advisory Committee (ECAC) to the Board of Education

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Proposed Early Childhood Investments in SB 30

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000597

Overview

The early childhood investments seek to:

1. Complete unification of early childhood system at state and regional level;
2. Support more choices for young learners via the Child Care Subsidy Program (CCSP), Virginia Preschool Initiative (VPI) and Mixed Delivery;
3. Enable a data-driven recovery from COVID-19 impact; and
4. Lay the groundwork for future expansion of public-private preschool in Virginia with marijuana funding.

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Overview of Investments

The early childhood investments seek to:

1. Complete unification of early childhood system at state and regional level;
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4. Lay the groundwork for future expansion of public-private preschool in Virginia with marijuana funding.

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VA-DOE-22-0316-B-000599

Item 129 - SGF Impact

In response to 2017 JLARC Study and pursuant to 22.1-289.05, the VDOE continues to build out a statewide uniform measurement and improvement system for all publicly-funded birth-to-five programs that promotes school readiness.

	FY22	FY23	FY24	Rationale for Increase
Central Office Staffing	NA	280,000	280,000	Provides two DOE positions to support state-funded pre-kindergarten programs
H. Virginia Kindergarten Readiness Program (VKRP)	1,750,000	2,777,000	2,777,000	Expansion of preschool VKRP to more 4 year olds and to pilot three year version; increase in administration costs
J. External Classroom Observations (CLASS)	350,000	805,600	1,047,000	Statewide expansion of accountability system; SGF is for state-funded classrooms; NGF is for federally-funded classrooms

NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

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Item 129 - Language Changes (No SGF Impact)

New budget language calls for specific actions from the VDOE to ensure maximum choice for families across the public-private early childhood system:

- Convene a workgroup to develop recommendation for the use of marijuana tax revenues to maximize access to public and private pre-kindergarten programs for three and four year and children (N)
- Develop a methodology to estimate the actual cost of providing high quality care and education services in community-based settings (O)
- Remove the existing 72 month limit on the duration of time that families may participate on the Child Care Subsidy Program (P)
- Offer more choice to families in FY23 and FY24 by strengthening the Child Care Subsidy Program, including encouraging parents to pursue work, paying based on enrollment, setting rates based on cost benchmarks and eliminating or reducing copayments for private child care options that aligns with public options (Q)

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Item 136 - SGF Impact

Item includes investments to expand public-private partnerships and innovative initiatives that have demonstrated impact.

	FY22	FY23	FY24	Rationale for Increase
O. Wolftrap for STEM and Early Literacy	725,000	1,000,000	1,300,000	Expand services into currently unserved divisions in an equitable manner, with a special focus on capacity building and establishing new services in specific regions
S. Expand Virginia Early Childhood Foundation Mixed Delivery	5,000,000	6,971,900	9,736,015	Offer high quality preschool to more at-risk 4 and 4 year olds in private settings; pilot for 200 infants and toddlers; new language aligns eligibility with VPI to ensure maximum choice for families
CC. Early Childhood Educator Incentive	5,000,000	10,000,000	10,000,000	Expand program that seeks to strengthen quality, attract new educators and reduce turnover in child care and family day home classrooms in support of VQB5
NN. Grow-Your- Own Early Childhood Educator Program	N/A	1,050,000	1,050,000	Provide grants to school divisions-higher education partnerships to build pathways to teacher licensure for early childhood educators

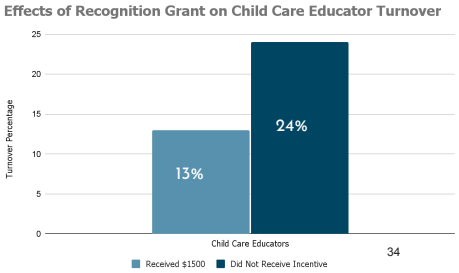
NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

Addressing the EC Educator Shortage

Since 2019, Virginia has been piloting an innovative early childhood educator incentive to reduce turnover and strengthen quality.

- Rigorous research shows that Virginia's $1,500 incentive reduced turnover by half in among child care and family day home educators.
- Virginia increased funding to $2,000 per educator per year in response to COVID 19 and plans to support at least 6,000 educators this year.
- Increased funding in FY23 and FY24 would enable Virginia to address the staffing crisis and to serve all child care and family day home educators as VQB5 is implemented statewide.



Virginia's innovative program has been featured in a US Treasury Report and in national news

AMERICAN OVERSIGHT

Item 137 - SGF Impact

Increasing the VPI per-pupil funding and the number of slots enables school divisions and community partners to prepare more children for kindergarten.

	FY22	FY23	FY24	Rationale for Increase
14. Virginia Preschool Initiative - Per-Pupil Amount	81,03,402	117,240,609	117,531,866	Increase per-pupil amount to $8,359 from $7,655 based on benchmarked costs
Early Childhood Expansion	21,778,364	34,368,036	45,116,920	Details provided below
Serve at risk 3 year olds	5,487,917	12,729,291	20,029,791	*Provide a two year experience for at-risk children to better prepare them for school*
Serve children on wait lists	966,504	3,587,390	3,587,390	*Enable communities to serve more children if need is identified*
Community provider add-ons	2,501,500	4,886,000	8,334,384	*Support school divisions to partner with community-based providers to increase family choice and address physical space limitations*
Increase ratios provided	6,693,927	7,711,560	7,711,560	*Allow more children to be served with existing staff to maximize resources*
Flexible funding	6,128,516	5,453,795	5,453,795	*Enable VDOE to respond to needs in the field*

NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000604

Item 137 - Language Changes

New budget language seeks to ensure VPI promotes greater school readiness:

- Consider eligible at-risk five-year-olds who are not eligible to attend kindergarten, or who did not have access to a sufficient preschool experience and whose families request preschool as the most appropriate placement (14.a.1)
- Require VDOE to biennially rebenchmark the VPI per pupil amounts using a formula similar to the current formula supporting public K-12 education in Virginia (14.a.4)
- Expand eligibility criteria to include children with disabilities or delays who are eligible for special education services under the Individuals with Disabilities Education Act, regardless of household income (14.d)
- Require VDOE to estimate the actual cost of providing high-quality early childhood education services in community-based setting and provide recommendations for the amount of the community-provider add-on grants in the second year (14.g.2)

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Child Care Relief Funding Update

Virginia has used relief funding to provide direct cash assistance, fund emergency child care, restore the Child Care Subsidy Program (CCSP) and address immediate needs. Nearly all unexpended funds have been appropriated to support direct cash assistance or CCSP.

Funding Source	Child Care Total	Spending Deadlines	Funds Remaining as of 12/30/21
Coronavirus Aid, Relief, and Economic Security (CARES) Act via CCDBG	$70,799,409	Obligate: 9/30/22 Liquidate: 9/30/23	$6,456,314 (9%)
Coronavirus Relief Fund (CRF)	$74,941,000	Liquidate: 12/31/21	$0 (0%)
Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act via CCDBG	$203,692,270	Obligate: 9/30/22 Liquidate: 9/30/23	$100,787,6211 (49%)
American Rescue Plan Act via CCDBG (Child Care Stabilization Fund)	$488,605,381	Obligate: 9/30/22 Liquidate: 9/30/23	$243,164,494.95 (50%)
American Rescue Plan Act via CCDBG (Discretionary)	$305,492,999	Obligate: 9/30/23 Liquidate: 9/30/24	All funds

Across multiple grant sources, Virginia will provide more than $600 million in direct cash assistance to more than 4,000 child care and family day home providers.[37]

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Questions & Discussion

Jillian Balow
Superintendent of Public Instruction
Jillian.Balow@doe.virginia.gov

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VA-DOE-22-0316-B-000607

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 8:35:10 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc: jon.russell@doe.virginia.gov
Subject: 'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

https://wjla.com/news/local/virginia-governor-glenn-youngkin-republican-public-school-superintendents-133-letter-tip-line-education-agenda-divisive-discriminatory-interim-report-critical-race-theory-curriculums-civil-rights-act-ben-kiser

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From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 1:07:25 PM
To: elizabeth.schultz@doe.virginia.gov
Cc:
Subject: AHC Education Policy Paper

Attachments: AHC-VA-Chapter-Education-Platform-Policy-Release-10-29-21.pdf

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www.AmericanHinduCoalition.com

FOR IMMEDIATE RELEASE

CONTACT: Anna Ahlund, Public Affairs Coordinator
contact@americanhinducoalition.com

AMERICAN HINDU COALITION (AHC) VIRGINIA CHAPTER RELEASES ELECTION 2021 EDUCATION POLICY PAPER

AHC-VA's, Elizabeth Schultz and Suparna Dutta, Author Key Insights on Virginia's K-12 Education

CHANTILLY, VIRGINIA – October 28, 2021 – Today, the American Hindu Coalition, Virginia Chapter (AHC-VA) released its Election 2021 "Education Policy Paper" ("Policy Paper") for public dissemination. The Policy Paper has been prepared by Elizabeth Schultz and Suparna Dutta, who lead the AHC-VA Education Platform Committee.

AHC-VA is proud of this Committee's innovative ideas, its prolific influence during the 2021 Virginia Gubernatorial campaign, and believes the Policy Paper plays a key role in Virginia regaining its status as among the best K-12 education in the nation.

Elizabeth Schultz has extensive experience in education and public policy. She served as U.S. Department of Education's Deputy Director of the Office of Educational Technology and was twice-elected to serve on the Fairfax County School Board, one of the nation's largest school systems. She is a former senior contracts and negotiation manager with 25+ years of experience in asset management, information technology, and global and K-12 education. She is the mother of four sons, who range from college graduate to middle school.

Suparna Dutta, leads the "Educators for Youngkin Coalition," one of the key coalitions in Glenn Youngkin's campaign governor in 2021. She is a founding member of the Coalition for T.J., in support of the nation's top high school Thomas Jefferson High School of Science and Technology (TJHSST). She is an IT professional. She has a Bachelor's in civil engineering from New Delhi, India and a Master's degree from the University of Tennessee, Knoxville. Her eldest child graduated from Woodson High School in the class of 2021 and her younger child enrolled in private school in Fall 2021 after two years at TJHSST.

Ms. Schultz and Ms. Dutta originally prepared the Policy Paper in support of the Educators for Youngkin Coalition. The ideas represented in this paper have already provided significant momentum for the Youngkin Campaign as follows:

1. Expanded the Coalition's outreach from educators to parents in every student demographic group statewide;
2. Developed programming and messaging that directly address concerns expressed by target parent communities; and
3. Connected programming and messaging to Get-Out-the-Vote efforts.

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www.AmericanHinduCoalition.com

VIRGINIA ELECTION 2021: EDUCATION POLICY PAPER

By: American Hindu Coalition, Education Platform Committee
Elizabeth Schultz and Suparna Dutta, July 2021

Public Release: October 28, 2021

WHY EDUCATION IS A WINNING ISSUE FOR ELECTION 2021

Parents of over 1.2 million K-12 students in the Commonwealth of Virginia's 132 school districts are motivated voters when an election focuses on education.

Virginia parents are fed up with the Governor Northam Administration that has failed to get children back to school, dismantled merit-based admissions to the country's No. 1 high school, Thomas Jefferson High School for Science and Technology (TJHSST), and proposed deceleration of advanced academics and advanced math in the Commonwealth.

The Northam Administration has failed the Commonwealth's children and their parents in numerous ways: there is little or no accountability for School Districts that are failing to adequately educate students during the COVID closures; the delaying of school reopening with no proposed remedy for the learning lost during the COVID closure; Northam Administration's Secretary of Education holding secret meetings to undermine TJHSST admission policies; the proposing of dumbed down curriculum with the Virginia Math Pathways Initiative (VMPI); and the politicizing of school curriculum with extremist ideology.

The Virginia Department of Education (VDOE) announced it intends to implement the proposed VMPI. While the Northam Administration has denied the existence of this VDOE policy, the VMPI website includes articles on de-tracking math courses, continues to use ambiguous language and alludes to the unavailability of advanced math options prior to 11th grade. The Northam Administration has also denied the introduction of Critical Race Theory in the school curriculum. However, documents released in Loudoun County, for example, reveal that Critical Race Theory is integrated into the curriculum in that county's public school system.

The previous ideologically-driven McAuliffe Administration, which now hopes to succeed Northam, will lead to a continuation of these same failures.

<u>Key messages that resonate with parents statewide, irrespective of demographics, are</u>:

1. We will listen to parents.
2. We will not press the mute button on parents or impose one-minute limits to their comments.
3. We will remove politics and extremist ideology from the classroom.
4. We will offer parents in failing schools alternative choices in their children's education.
5. We will empower every child to achieve excellence in their K-12 education.

AMERICAN OVERSIGHT

WHAT DO PARENTS WANT?

1. **Get students back to school:** Put the power back in the hands of parents by providing them with the information they need to make the best decisions for their own children.

    a. Address the year of learning loss that has disproportionately impacted minority and special needs communities.
    b. All students have suffered from a year of learning loss. Public schools must not only reopen in the fall but must also mitigate during the past year's learning loss in the upcoming school year. See report: https://fee.org/articles/school-shutdowns-will-cost-students-a-staggering-amount-in-lifetime-earnings-new-mckinsey-analysis-shows/

2. **Increase funding for, and commitment to deliver, disability support services in public schools:** Ensure students with disabilities receive all the services (such as IEP and section 504 programs), support, and procedural protections to which they are entitled – and ensure listening to parents and students.

3. **Make Virginia schools the best in the nation:** Put merit and excellence back in education. Restore the Commonwealth of Virginia to the leadership position it once held in education as a magnet for jobs, the economy, and technology innovation in the Commonwealth.

    a. Restore the standards by which schools are measured to actual standards of excellence.
    b. Increase the number of Academic-Year Governor's Schools such as:
        i. Commit to a second or a third Thomas Jefferson High School for Science and Technology – it is a proven model (under merit-based admissions) that is duplicable and scalable for the benefit of students across the Commonwealth
        ii. Establish a high school with an advanced CYBER program and coding boot camp – the protection of public and private industry, critical infrastructure, and national defense need a focus cyber-readiness by building a pipeline of students who are prepared to enter the high-paying cyber offense and defense jobs after high school graduation or in preparation for cyber-related college-level work
        iii. Build a high school with a focus on the arts and humanities to expand opportunities at the highest levels for the Commonwealth's students who desire educational excellence in the fine and performing arts, as well as the humanities
    c. Ensure all of Virginia's children can read, write, and understand math by third grade.
    d. Improve school measurement metrics so that there is transparency in how each of our schools is doing and where help is most needed.
    e. Equip our students to be the top performing students in the country.

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f. Direct VDOE to preserve advanced math classes and expand the advanced math offerings, instead of holding back high-achievers
g. Encourage the use of advanced diplomas to reward high-achieving students.

6. **Create more "Centers for Excellence" and more education options for high achiever students:**
   a. **More magnet schools:** Commit to a second or a third TJHSST. Thomas Jefferson High School for Science and Technology, a Virginia Governor's School, is the No. 1 high school in America under its historical merit-based admissions approach. School capacity (or supply) for these "centers of excellence" have not kept pace with the demand driven by the population growth of school-aged children. The answer is to increase the number of Academic-Year Governor's Schools (or "magnet" schools) such as:
      i. Commit to a second or a third TJHSST
      ii. Establish a high school with an advanced CYBER program and coding boot camp
      iii. Build a high school with a focus on the arts and humanities
   b. **Reward Excellence:** Ensure the ability to reward ambitious students with greater educational options:
      i. High-performing students should have curriculum choices such as advanced math, science, arts, and humanities courses.
      ii. Students who complete the most advanced courses offered in their high schools should be able to take college level courses and receive high school, as well as college, credit for them.
      iii. Create a virtual TJHSST/Governor's School experience for students who choose to learn from home.
      iv. Create a State-level Education Governance Board comprised of individuals recognized nationally as STEM experts.
      v. Build more Advanced Academic Program (AAP) centers, either virtually or in-person.
   c. **Apprenticeships:** Increase pathways to work and life readiness for all students by standing up cyber security and other professional certifications, apprenticeships, practicums, and public-private partnerships with the business community to better serve students who are not necessarily college bound.

7. **School Choice:** The promise of public education is that it offers a springboard toward attaining social and financial mobility. We support differentiated learning and rewarding teacher innovation to increase the likelihood that at-risk students have a better shot at the American Dream. Failing schools are obstacles for many children in achieving their dreams:
   a. Importantly, even in the highest income (such as Fairfax, Loudoun) counties, "low-income areas" exist.
   b. Data from Florida shows that robust school choice (such as private or charter school options) have a positive impact on public school outcomes.

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See Report: Effects of Scaling Up Private School Choice Programs on Public School Students | NBER

c. For a variety of reasons, parents may want to educate their children at home, in a learning pod or a school that better serves their students' needs. Parents should have both the freedom and the resources to educate their child in a way which best meets their child's needs.

8. **Remove extremist ideology from school curriculum:** Critical Race Theory is now an integrated part of the Loudoun County and numerous other school district's curricula. It is not "a right-wing conspiracy theory" as Terry McAuliffe alleges. For example, new documents show that Loudoun County spent $34,000 on Critical Race Theory coaching. See Press Report: Virginia district spent $34K on Critical Race Theory coaching for administrators, documents show | Fox News

   a. Commit to stopping the politicization of education and the indoctrination of our children with Critical Race Theory or any other extremist ideology in their school curriculum.
   b. Teach kids how to think, not what to think.

9. **State funding for Homeschoolers:** Support homeschoolers and expand online state-funded options for online curriculum and tutoring.

In all, every Virginia parent wants the very best education and opportunity possible for their child. The current data show that students are falling behind, test scores are stagnant or worse, parents are frustrated with local school boards and the administration of their school districts that are impeding or eliminating meritocracy, diminishing academic excellence, and failing to address learning loss and meet the needs of special education students. The voice of parents is vital in their own children's education and in crafting the best schools in the nation and should not be silenced, but rather respected and engaged.

It is imperative to prepare Virginia's 1.2 million K-12 students for work and life-readiness, as well as college, to establish the Commonwealth as the premier location for a well-educated workforce, drawing to the Commonwealth the best businesses and employers. This approach will greatly benefit not only the personal economy of each student graduating for our public K-12 classrooms but is the best pathway forward for growth and prosperity in Virginia.

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www.AmericanHinduCoalition.com

STUDENT MEMBERSHIP STATISTICS AND DEMOGRAPHICS

The Commonwealth of Virginia has 132 school districts, with a Fall 2020 enrollment reported as 1,251,499 full time students and 1,257 part time students, for a total of 1,252,756 total students in grades K-12. Note Asian student population numbers highlighted below.

TOTAL POPULATION DEMOGRAPHICS, K-12 PUBLIC STUDENTS

Some important demographics breakdown as follows:

All Students School Year 2020-2021	Full Time Count	Part Time Count	Total Count
ALL Grades	1,251,499	1,257	1,252,756
Races			
American Indian or Alaska Native	3,283	1	3,284
Asian	93,168	70	93,240
Black, not of Hispanic origin	276,769	163	276,932
Hispanic	218,419	334	218,753
Native Hawaiian or Pacific Islander	2,002	2	2,004
Non-Hispanic, two or more races	77,834	90	77,924
Unknown - Race/Ethnicity Not Provided	-	-	-
White, not of Hispanic origin	580,024	595	580,619
Disadvantaged			
Yes	512,004	505	512,509

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No	739,495	752	740,247
Foster Care			
Yes	2,826	2	2,828
No	1,248,673	1,255	1,249,928
Homeless			
Yes	7,382	7	7,389
No	1,244,117	1,250	1,245,367
Migrant	No		
Yes	180		180
No	1,251,319	1,257	1,252,576
Military Connected			
Yes	65,855	111	65,966
No	1,186,790	1,146	1,186,790
English Learners			
Yes	104,754	15	104,769
No	1,091,267	1,238	1,092,505
Disability			
Yes	167,544	349	167,893

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No	1,083,955	908	1,084,863

HOMESCHOOL & RELIGIOUS EXEMPTION STUDENTS

Virginia students who are homeschooled represent **4.76%** of the total public K-12 student population. Virginia students who are exempted under religious exemption from attending K-12 public education represent **0.47%** of the total public K-12 student population.

The data are as follows:

Virginia Department of Education Home-Schooled Students and Religious Exemptions 2020 - 2021	**State Totals**
Home Instruction K-5	35,138
Home Instruction 6-8	12,549
Home Instruction 9-12	11,429
Home Instruction Other	522
Total Home Instruction	**59,638**
Religious Exemptions K-5	1,963
Religious Exemptions 6-8	1,407
Religious Exemptions 9-12	1,974
Religious Exemptions Other	589
Total Religious Exemptions	**5,933**

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SPECIAL EDUCATION DEMOGRAPHICS, K-12 STUDENTS

Virginia's special education students represent 13.4% of the total public K-12 student population. Further demographics are as follows:

Special Education School Year 2020-2021	Total Count
ALL	174,638
Races	
American Indian or Alaska Native	525
Asian	6,655
Black, not of Hispanic origin	45,123
Hispanic	29,378
Native Hawaiian or Pacific Islander	241
Non-Hispanic, two or more races	10,356
Unknown - Race/Ethnicity Not Provided	-
White, not of Hispanic origin	82,360
Disadvantaged	
Yes	82,010
No	92,628
Migrant	

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Yes	15
No	174,623
English Learners	
Yes	19,559
No	-

NAEP RESULTS - READING AND MATHEMATICS, NATION AND STATE

The National Assessment of Educational Progress (NAEP) is known as the "nation's report card." Virginia's consolidated NAEP results must be examined and compared to national averages to best understand and develop potential policy, strategy, and strategic goals.

Importantly, "academic gaps" have persisted - and have even worsened in many instances - under the McAuliffe and Northam Administrations.

2019 READING - Grade 4 and Grade 8

2019 Reading State Snapshot Report NAEP Reporting Groups	Percentage of students	Avg. score	Percentage BELOW NAEP Basic	Percentage at or above NAEP Basic	Percentage at or above NAEP Proficient	Percentage at or above NAEP Advanced
GRADE 4 - NATION	**100**	**219***	**35***	**31**	**26**	**9**
GRADE 4 - VIRGINIA	100	224	31	31	29	10
Race/Ethnicity				.		.
White	49	231		78	46	12
Black	21	207		51	19	3
Hispanic	17	211		57	26	4

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Asian	7	244		86	63	25
American Indian/Alaska Native	#	‡		‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡		‡	‡	‡
Two or more races	6	228		73	44	10
Gender				.		.
Male	52	221		66	36	9
Female	48	227		72	41	11
National School Lunch Program				.		.
Eligible	41	208		52	20	3
Not eligible	57	236		81	52	15
GRADE 8 - NATION	**100**	**262**	**28**	**39**	**29**	**4**
GRADE 8 - VIRGINIA	100	262	29	38	29	4
Race/Ethnicity				.		.
White	50	271		80	41	5
Black	22	243		52	15	1
Hispanic	15	247		59	22	1
Asian	7	286		89	59	14
American Indian/Alaska Native	#	‡		‡	‡	‡

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Native Hawaiian/Pacific Islander	#	‡		‡	‡	‡
Two or more races	6	269		79	37	6
Gender				.		.
Male	51	253		63	26	2
Female	49	271		79	41	6
National School Lunch Program				.		.
Eligible	37	246		55	18	1
Not eligible	62	272		81	42	6

2019 MATHEMATICS - Grade 4 and Grade 8

2019 Mathematics State Snapshot Report NAEP Reporting Groups	Percentage of students	Avg. score	Percentage BELOW NAEP Basic	Percentage at or above NAEP Basic	Percentage at or above NAEP Proficient	Percentage at or above NAEP Advanced
GRADE 4 - NATION	**100**	**240***	**20***	**40**	**32***	**9***
GRADE 4 - VIRGINIA	100	247	13	39	36	12
Race/Ethnicity				.		
White	49	253		92	57	14
Black	21	232		76	26	2

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Hispanic	16	238		81	36	6
Asian	7	270		95	76	39
American Indian/Alaska Native	#	‡		‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡		‡	‡	‡
Two or more races	6	249		90	51	13
Gender				.		
Male	52	248		88	50	14
Female	48	245		86	46	10
National School Lunch Program				.		
Eligible	42	234		79	30	3
Not eligible	57	256		93	61	18
GRADE 8 - NATION	**100**	**281***	**32***	**35**	**23***	**10**
GRADE 8 - VIRGINIA	100	287	25	37	27	11
Race/Ethnicity				.		.
White	50	294		82	46	14
Black	22	268		56	16	3
Hispanic	15	278		67	30	5
Asian	7	315		89	65	33

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American Indian/Alaska Native	#	‡		‡	‡	‡
Native Hawaiian/Pacific Islander	#	‡		‡	‡	‡
Two or more races	5	293		83	41	12
Gender				.		.
Male	51	287		73	38	12
Female	49	288		76	38	10
National School Lunch Program				.		.
Eligible	37	270		59	19	3
Not eligible	62	298		84	49	16

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COUNTY-LEVEL STUDENT MEMBERSHIP - MAGNITUDE IMPACT

Virginia's 132 school divisions are listed below in order based on their K-12 student population as a percentage of the Commonwealth's total K-12 student population. It is important to understand the magnitude impact of potential policies and discussions vis a vis how they impact different jurisdictions' voters. The parents in each locale need to be heard and their respective concerns understood.

Notably, the four largest school divisions comprise over one-third of all public K-12 students in Virginia, and the ten largest school divisions comprise over half of all students.

School Year	Division Number	Division Name	Full-Time Count (All Grades)	Part- Time Count (All Grades)	Total Count	Percentage of VA Total Students
2020-2021	29	Fairfax County	180,028	48	180,076	14.37%
2020-2021	75	Prince William County	89,551	26	89,577	7.15%
2020-2021	53	Loudoun County	81,066	253	81,319	6.49%
2020-2021	128	Virginia Beach City	65,612		65,612	5.24%
2020-2021	21	Chesterfield County	60,840	64	60,904	4.86%
2020-2021	43	Henrico County	50,191		50,191	4.01%
2020-2021	136	Chesapeake City	39,673		39,673	3.17%
2020-2021	89	Stafford County	29,372	23	29,395	2.35%
2020-2021	123	Richmond City	28,226		28,226	2.25%
2020-2021	118	Norfolk City	27,955		27,955	2.23%
2020-2021	117	Newport News City	27,113	5	27,118	2.16%
2020-2021	7	Arlington County	26,831	2	26,833	2.14%
2020-2021	88	Spotsylvania County	23,025	11	23,036	1.84%
2020-2021	112	Hampton City	19,223	2	19,225	1.53%

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2020-2021	42	Hanover County	16,519		16,519	1.32%
2020-2021	101	Alexandria City	15,775	70	15,845	1.26%
2020-2021	127	Suffolk City	13,869		13,869	1.11%
2020-2021	124	Roanoke City	13,853	1	13,854	1.11%
2020-2021	80	Roanoke County	13,690	2	13,692	1.09%
2020-2021	34	Frederick County	13,521		13,521	1.08%
2020-2021	2	Albemarle County	13,499	33	13,532	1.08%
2020-2021	121	Portsmouth City	13,395		13,395	1.07%
2020-2021	98	York County	12,330	162	12,492	1.00%
2020-2021	82	Rockingham County	11,336	18	11,354	0.91%
2020-2021	131	Williamsburg-James City County	10,986	166	11,152	0.89%
2020-2021	30	Fauquier County	10,288	4	10,292	0.82%
2020-2021	8	Augusta County	10,147	3	10,150	0.81%
2020-2021	60	Montgomery County	9,700	11	9,711	0.78%
2020-2021	10	Bedford County	9,173	2	9,175	0.73%
2020-2021	24	Culpeper County	8,254	2	8,256	0.66%
2020-2021	71	Pittsylvania County	8,213		8,213	0.66%
2020-2021	115	Lynchburg City	7,935	26	7,961	0.64%
2020-2021	16	Campbell County	7,787		7,787	0.62%
2020-2021	143	Manassas City	7,399	208	7,607	0.61%
2020-2021	44	Henry County	7,130		7,130	0.57%
2020-2021	94	Washington County	6,759	1	6,760	0.54%
2020-2021	33	Franklin County	6,533		6,533	0.52%

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2020-2021	113	Harrisonburg City	6,505	3	6,508	0.52%
2020-2021	74	Prince George County	6,099		6,099	0.49%
2020-2021	85	Shenandoah County	5,769		5,769	0.46%
2020-2021	96	Wise County	5,542		5,542	0.44%
2020-2021	108	Danville City	5,505		5,505	0.44%
2020-2021	92	Tazewell County	5,432		5,432	0.43%
2020-2021	46	Isle of Wight County	5,396		5,396	0.43%
2020-2021	93	Warren County	5,160		5,160	0.41%
2020-2021	36	Gloucester County	5,044		5,044	0.40%
2020-2021	54	Louisa County	4,984		4,984	0.40%
2020-2021	68	Orange County	4,904	3	4,907	0.39%
2020-2021	1	Accomack County	4,863	1	4,864	0.39%
2020-2021	41	Halifax County	4,690	1	4,691	0.37%
2020-2021	12	Botetourt County	4,431		4,431	0.35%
2020-2021	48	King George County	4,297		4,297	0.34%
2020-2021	132	Winchester City	4,268	1	4,269	0.34%
2020-2021	104	Charlottesville City	4,255	4	4,259	0.34%
2020-2021	114	Hopewell City	4,240	2	4,242	0.34%
2020-2021	27	Dinwiddie County	4,209		4,209	0.34%
2020-2021	72	Powhatan County	4,208	4	4,212	0.34%
2020-2021	17	Caroline County	4,131		4,131	0.33%
2020-2021	86	Smyth County	4,110		4,110	0.33%
2020-2021	58	Mecklenburg County	4,087	6	4,093	0.33%

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2020-2021	5	Amherst County	4,045		4,045	0.32%
2020-2021	120	Petersburg City	4,045		4,045	0.32%
2020-2021	77	Pulaski County	4,010		4,010	0.32%
2020-2021	97	Wythe County	3,857	1	3,858	0.31%
2020-2021	139	Salem City	3,828		3,828	0.31%
2020-2021	83	Russell County	3,552		3,552	0.28%
2020-2021	18	Carroll County	3,551	1	3,552	0.28%
2020-2021	110	Fredericksburg City	3,545		3,545	0.28%
2020-2021	84	Scott County	3,534	4	3,538	0.28%
2020-2021	144	Manassas Park City	3,500		3,500	0.28%
2020-2021	32	Fluvanna County	3,297		3,297	0.26%
2020-2021	69	Page County	3,209	4	3,213	0.26%
2020-2021	52	Lee County	3,048		3,048	0.24%
2020-2021	63	New Kent County	3,040		3,040	0.24%
2020-2021	39	Greene County	2,928		2,928	0.23%
2020-2021	130	Waynesboro City	2,913	1	2,914	0.23%
2020-2021	106	Colonial Heights City	2,784		2,784	0.22%
2020-2021	81	Rockbridge County	2,711		2,711	0.22%
2020-2021	87	Southampton County	2,610		2,610	0.21%
2020-2021	126	Staunton City	2,607		2,607	0.21%
2020-2021	37	Goochland County	2,581	1	2,582	0.21%
2020-2021	122	Radford City	2,520		2,520	0.20%
2020-2021	14	Buchanan County	2,516		2,516	0.20%

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2020-2021	70	Patrick County	2,516	1	2,517	0.20%
2020-2021	109	Falls Church City	2,500		2,500	0.20%
2020-2021	35	Giles County	2,298	2	2,300	0.18%
2020-2021	6	Appomattox County	2,272		2,272	0.18%
2020-2021	102	Bristol City	2,214		2,214	0.18%
2020-2021	40	Greensville County	2,137		2,137	0.17%
2020-2021	142	Poquoson City	2,069	21	2,090	0.17%
2020-2021	15	Buckingham County	2,009		2,009	0.16%
2020-2021	50	King William County	2,006	1	2,007	0.16%
2020-2021	26	Dickenson County	1,967		1,967	0.16%
2020-2021	3	Alleghany County	1,952		1,952	0.16%
2020-2021	73	Prince Edward County	1,947	2	1,949	0.16%
2020-2021	116	Martinsville City	1,881		1,881	0.15%
2020-2021	67	Nottoway County	1,878		1,878	0.15%
2020-2021	31	Floyd County	1,831	2	1,833	0.15%
2020-2021	22	Clarke County	1,741	4	1,745	0.14%
2020-2021	20	Charlotte County	1,726		1,726	0.14%
2020-2021	4	Amelia County	1,627		1,627	0.13%
2020-2021	56	Madison County	1,626	43	1,669	0.13%
2020-2021	55	Lunenburg County	1,622		1,622	0.13%
2020-2021	62	Nelson County	1,596		1,596	0.13%
2020-2021	95	Westmoreland County	1,548		1,548	0.12%
2020-2021	38	Grayson County	1,517		1,517	0.12%

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2020-2021	13	Brunswick County	1,451		1,451	0.12%
2020-2021	65	Northampton County	1,410		1,410	0.11%
2020-2021	111	Galax City	1,323		1,323	0.11%
2020-2021	79	Richmond County	1,306		1,306	0.10%
2020-2021	66	Northumberland County	1,228		1,228	0.10%
2020-2021	28	Essex County	1,224		1,224	0.10%
2020-2021	25	Cumberland County	1,223		1,223	0.10%
2020-2021	59	Middlesex County	1,166		1,166	0.09%
2020-2021	91	Sussex County	1,045		1,045	0.08%
2020-2021	135	Franklin City	1,028		1,028	0.08%
2020-2021	107	Covington City	1,016		1,016	0.08%
2020-2021	51	Lancaster County	1,014		1,014	0.08%
2020-2021	57	Mathews County	931	1	932	0.07%
2020-2021	103	Buena Vista City	916		916	0.07%
2020-2021	49	King and Queen County	875		875	0.07%
2020-2021	119	Norton City	861		861	0.07%
2020-2021	207	West Point	804		804	0.06%
2020-2021	78	Rappahannock County	766		766	0.06%
2020-2021	90	Surry County	679		679	0.05%
2020-2021	11	Bland County	670		670	0.05%
2020-2021	202	Colonial Beach	634		634	0.05%
2020-2021	19	Charles City County	576		576	0.05%
2020-2021	23	Craig County	546		546	0.04%

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2020-2021	9	Bath County	521		521	0.04%
2020-2021	137	Lexington City	465		465	0.04%
2020-2021	45	Highland County	184		184	0.01%
		TOTAL - ALL DISTRICTS	**1,251,499**	**1,257**	**1,252,756**	

###

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 2/15/2022 10:05:13 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc:
Subject: Article: WaPo

Of interest

https://www.washingtonpost.com/education/2022/02/14/critical-race-theory-teachers-fear-laws/

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From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/21/2022 2:39:52 PM
To: thomas.broyles@doe.virginia.gov
Cc:
Subject: eVa

Attachments: EP3437635.pdf

AMERICAN OVERSIGHT

Order No. EP3437635-

Issued on Tue Feb 08 17:22:49 EST 2022 eVA Req#: PR9678139
Created on Tue Feb 08 17:22:49 EST 2022 by Wells, Susanna

Supplier:
REALIGNED LLC
469 Dillin Dr
Lancaster VA 22503-3435 United States
Phone: 000-000-0000 Fax: 000-000-0000
Contact: Kimberly Richey
Vendor TIN: *****6397
SWAM:

Ordering Person:
Department of Education
Wells, Susanna
Phone: 804-371-4917
E-mail: susanna.wells@doe.virginia.gov

Ship To:
Department of Education
101 N 14th St
Richmond, VA 23219 United States
Phone: 804-225-3348 Fax: 804-225-2509
Deliver To: Susanna Wells

Bill To:
Dept of Education Accts Payable
PO Box 2120
Richmond, VA 23218-2120 United States
Phone: 804-786-8481 Fax: 804-225-2045
E-mail:

Item	Item Number	Description	Need By	Quantity	Unit	Unit Price	Extended Amount	Contract Number
1		RealignEd, LLC (the Contractor) will provide subject matter expertise, review and evaluation, and policy advice related to inherently divisive concepts and other provisions in Executive Order One. Period of Performance is date eVA purchase order is fully approved through April 30, 2022.		1	each	$ 10,000 USD	$ 10,000 USD	

Line	Comments:

Total :	$ 10,000 USD

Status: Ordering

This order is governed in all respects by the laws of the Commonwealth of Virginia, including the Virginia Public Procurement Act, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, and the Commonwealth of Virginia Vendors Manual copies of which are available at www.eVA.virginia.gov. The stated price(s) include shipping FOB destination unless otherwise stated in the body of the order. In addition, this order is subject to an eVA transaction fee in accordance with the eVA Fee Schedule a copy of which is available at https://dgs.virginia.gov/procurement/policy-consulting--review/policy. This fee will be invoiced to your company approximately 60 days after the order issue date specified above, by the Commonwealth of Virginia, Department of General Services. Any modification to these terms must be agreed to in writing by both parties prior to performance of this order. This order may be subject to federal oversight. The vendor, as applicable, will comply with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) Part 317-326 (Procurement Standards) and Section 2 CFR 200.404 (Cost Reasonableness).

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/27/2022 11:08:02 AM
To: "Richard Connor" <dicky.connor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: CERN Monthly Update: January 2022

Such a good read each month.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **AEI's Conservative Education Reform Network** <Hayley.Sanon@aei.org>
Date: Thu, Jan 27, 2022 at 10:33 AM
Subject: CERN Monthly Update: January 2022
To: <jillian.balow@doe.virginia.gov>

Dear CERN members and friends,

CERN is officially one year old! We launched in January 2021 with 75 initial members and are now proud to boast over 500 members in all 50 states, plus a few friends living internationally. We continue to enjoy watching the network grow and seeing the excellent work our members are doing in the field.

To kick off this update, we're thrilled to congratulate **Aimee Guidera** and **Jillian Balow**, who were appointed Secretary of Education and Superintendent of Public Instruction, respectively, by Governor Youngkin in Virginia! Scroll down to learn more about Jillian in this month's member spotlight.

Earlier this month, Rick Hess released the **2022 RHSU Edu-Scholar Public Influence Rankings**. Congratulations to the CERN members who placed in the Top 200! **Eric A. Hanushek** (Stanford) ranked 18th; **Martin R. West** (Harvard) ranked 60th; **Diane Whitmore Schanzenbach** (Northwestern) ranked 66th; **Patrick Wolf** (Arkansas) ranked 103rd; and **Marcus A. Winters** (Boston University) ranked 170th.

Something to check out: The **Center for Education Reform** is wrapping up some great work with their **STOP Award** - **Chicago Rescue Grants**, which were launched within days of the January 2022 Chicago schools crisis to quickly grant funds to schools and educators ready to serve.

Also, happy **National School Choice Week**! Be sure you study up on the official 2022 dance.

Reminder: Now that CERN has hit its first birthday, **we want your feedback**! We'd love to know what you've found particularly helpful so far and what you'd like to see more of going forward. You can complete the survey here.

On a sorrowful note, the CERN team mourns the loss of Zach Eckert, ExcelinEd's Midwest Regional Advocacy Director, who passed in December. Our thoughts and prayers are with his family during this difficult time.

As always, if you have a publication, resource, or event you would like shared in the newsletter, please send me note at Hayley.Sanon@aei.org.

Cheers,
Hayley

CHECK OUT THE CERN DIRECTORY

The directory is searchable by name, state, sector, and specialty and is a good resource for connecting with other members, identifying experts for hearings, and finding leaders to weigh in on policy challenges. Please continue to let us know if you have recommendations for people who would be valuable additions to the network.

NEW FROM CERN

From dependence to resilience:

AMERICAN OVERSIGHT

How philanthropies can better support private schools

Todd Graves and Darrell Jones | American Enterprise Institute

Providing donor-development boot camps and school-building tool kits are two ways that philanthropies can more effectively support private schools for long-term success.

READ MORE

How to rein in the teachers' unions

Howard Husock | City Journal

Break up big-city school districts. Would Mike Mulgrew, president of New York City's teachers' union, be so glib about threatening to shut down Manhattan schools if he knew that Queens or Brooklyn teachers might not go along? Read more.

Upcoming CERN Briefing

How to plan a winning education issue campaign

Thursday, February 3 | 03:00 p.m.– 03:45 p.m.

Please join us for a CERN briefing on how to plan a winning education issue campaign with Katherine Bathgate, CEO and Co-Founder of SchoolForward.

REGISTER

NEW FROM AEI

Education after the pandemic

Frederick M. Hess | National Affairs

Could the disruption born of this once-in-a-century pandemic yield a once-in-a-century opportunity to reset K-12 schooling? Read more.

Diving into education policy expert John Bailey's insights about COVID-19, Omicron and schools

John P. Bailey and Michael B. Horn | The Future of Education

John Bailey, education policy expert and writer of the nightly COVID-19 Policy Update, joined Michael Horn and Diane Tavenner on their latest episode of Class Disrupted to talk about the current state of COVID and schools, Omicron, vaccinations, testing, and more. Read more.

Discussing Critical Race Theory and the Oxford school shooting: Max Eden on the Ben Shapiro Show

Max Eden | Ben Shapiro Show

Max discusses Critical Race Theory and the institutional failures that led to the Oxford school shooting. Read more.

Schools are open despite the omicron surge. They should stay that way.

Nat Malkus | USA Today

The leaders, teachers and families who are reopening schools during a surging pandemic should be celebrated. Read more.

NEW FROM CERN MEMBERS

Still Rising: Charter School Enrollment and Student Achievement at the Metropolitan Level

David Griffith | Thomas B. Fordham Institute

After analyzing charter school enrollment and student outcome data for both charter students and those attending traditional public schools in over 900 metro areas, researchers at the Thomas B. Fordham Institute found that an increase in total charter school enrollment share is associated with a significant increase in the average math achievement of low-income, Black, and Hispanic students – including those in traditional public schools. Read more.

National Symposium for Classical Education

Institute for Classical Education and Great Hearts Foundation

The National Symposium for Classical Education will be held at the Phoenix Convention Center on March 23-25, 2022. Enrich your understanding of the classical liberal arts in both the theoretical and practical dimensions of curriculum and pedagogy. Learn more or register here.

HxA Conference 2022

Heterodox Academy

Heterodox Academy is thrilled to announce their HxA Conference 2022 in Denver, CO on June 12-14. Informed by their theme *Renewing Spaces of Knowledge and Trust*, Heterodox invites higher-education and K-12 professionals, thought leaders, and all who care about the health of education to discuss the crisis of trust facing our public institutions and deepen our shared pursuit of knowledge. Learn more and register here.

The ABC's of School Choice - 2022 Edition

EdChoice

The ABC's of School Choice is a comprehensive, data-rich guide to every private school choice program in America. Get your copy of the 2022 ABC's of School choice here.

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Tennessee's pioneering teacher apprenticeship program

Frederick M. Hess | Forbes

Our chronic teacher shortage calls for some creative problem-solving; Tennessee's new "Grow Your Own" model provides a sorely needed alternative to existing K-12 licensure systems. Read more.

The civic education we need

Albert Cheng and Jay P. Greene | National Affairs

If policymakers seek to craft a civic education that improves society, they will have to move beyond the categories of knowledge and ignorance to articulate a vision that confronts deeper complexities of human behavior. Instead of civic education understood as the provision of information, what we need is civic education understood as virtue formation. Read more.

Missouri School Rankings

Show-Me Institute

Since Missouri's SEA does not assign letter grades, rankings, or any other type of meaningful differentiation to district or school performance, the Show-Me Institute decided to do it themselves. Learn more.

We can keep radical politics out of the classroom with the Sunlight in Learning Act

Goldwater Institute

How can we make schools accountable for what they teach and get politics out of the classroom for good? There's a simple solution: sunlight. Goldwater's Sunlight in Learning Act would require public schools to clearly post on their website the learning materials and activities taught to students. That way, parents could easily see which schools are pushing politics in the classroom before they have to make an enrollment decision. Watch the video here.

What will it take to put U.S. K-12 education on a better path?

Keri D. Ingraham | Real Clear Education

The U.S. K-12 education system must change from adult-focused to student-focused, input-focused to output-focused, teaching-focused to learning-focused, group-focused to individual-focused, and time-focused to competency-focused. Read more.

Closures and consequences

Michael Hartney and Renu Mukherjee | City Journal

Politicians in both parties, but especially Democrats, need to understand just how unpopular school shutdowns are with parents. Read more.

Education choice for all students: A moral & national imperative

Star Parker and Marty Dannenfelser | Center for Urban Renewal and Education

This report finds that K-12 education in the United States is far from what it should or could be and offers recommendations for parents, community leaders, policymakers, and advocates on how to advance education choice. Read more.

Here's why Colorado is becoming 'One Dupont (West)'

Alison Griffin | Forbes

Best known for the stunning Front Range mountain landscape, John Denver's "Rocky Mountain High" and a political spectrum that spans the "People's Republic of Boulder" and its conservative counterpart "The Springs," Colorado is quickly becoming a hub of higher education policy, innovation and collaboration. Read more.

Wokeism ended his father's teaching career. Now, this teacher has a warning for other educators.

Virginia Allen | The Daily Signal

To prevent other teachers from suffering the same fate as Martin Paulsson, there must be a shift in the education system. The focus of education, Albert Paulsson says, should be ensuring that "each and every student has access and opportunity to fully develop their potential." Read more.

MEMBER SPOTLIGHT

Jillian Balow

Virginia State Superintendent of Public Instruction

What drew you to the education space?
Literacy. Within one week of starting my first teaching job, I knew I needed to know more about reading. My curiosity opened the doors to learning about data, assessment, and education research - before these topics were standard considerations for educators. I have always been interested in policy and politics and folding these into my career has kept me engaged in the education space for 28 years.

If you could make any one change (policy or otherwise) in education, what would it be and

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why?
So often the conversations between parents and teachers, constituents and education leaders, and policymakers and stakeholders are transactional, rather than personal and meaningful. We all agree that student success is at the core of our education system - I am discouraged by the lack of dialogue about our shared goals for students.

What's the best piece of advice you've ever received?
My mom was the sweetest person I have ever known. She taught me (and modeled 100% of the time) the importance of being nice to everyone, and of smiling. It is how people remember my mom still today - I hope it is how I am remembered.

What's the most unexpected thing about you?
I am a hunter - big game, birds - wild game meat is healthy and natural. There is no better day than a day in the hunting field. I am the chairwoman of the Wyoming Women's Antelope Hunt.

What's your favorite:

- **Book:** *Where the Wild Things Are* by Maurice Sendak
- **TV Show:** *Survivor* fan since season one
- **Movie:** *Pretty Woman*
- **Podcast:** So many great ones but I especially love *Honestly* with Bari Weiss
- **Word:** "Rickety" because my daughter learned the meaning of this word when she was five. **EVERYTHING** was "rickety" for months including Grandpa, food that stayed in the refrigerator too long, and our worn out carpet. We still intentionally stretch our use of the word "rickety," just for fun.

BROWSE THE NETWORK

JOB OPENINGS

- Excel in Ed is looking for a Vice President of Development.
- The Daniels Fund is looking for a Grants Impact Manager and an Executive Assistant to the President & CEO.
- The Wisconsin Institute for Law and Liberty is looking for an Administrative Assistant for their Development team.
- The Charter School Growth Fund is looking for a Director of Advocacy.
- The Urban Institute's Center on Education Data and Policy is looking for a Research Assistant and a Research Analyst.
- Pinkston is looking for a Research Manager and a Research Associate, among other openings.
- Chalkboard Review is looking for someone to manage professional communications. If you're interested or have someone to recommend, contact Tony Kinnett.
- The National Constitution Center is looking for a Director of Outreach Education, Director of Museum Education, Social Studies Curriculum and Assessment Writer, and a Junior IT Systems Administrator.
- The ASSISTments Foundation is looking for a Director of Growth and Impact and a Partnership Development Manager, Schools and Districts.
- The Show-Me Institute is hiring an Education Policy Research Assistant. Feel free to send recommendations for the role to hayley.sanon@aei.org.

AEI Meet The CERN Team

Frederick M. Hess
Director of Education Policy Studies & Chairman of CERN

Rick began his career as a social studies teacher before getting his PhD in government at Harvard. Before he was tapped to launch the AEI education program nearly two decades ago, Rick was a professor at the University of Virginia.

Max Eden
Research Fellow & CERN Director

Max began his career right here at AEI as a research assistant and later program manager of the education team. He went on to spend several years as a senior fellow at the Manhattan Institute before coming back to AEI to lead the network.

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Hannah Warren
CERN Program Manager

Prior to joining AEI as a research assistant in 2019, Hannah received a BA from Furman University, provided research assistance on the largest evaluation of public Montessori programs in the United States, and interned on Capitol Hill.

Hayley Sanon
Research Associate & CERN Membership Coordinator

Before AEI, Hayley taught seventh-grade math as a Teach for America member in Greensboro, North Carolina. She earned a BA from Duke University and an MEd from the Harvard Graduate School of Education.

Follow @AEIeducation on Twitter for up-to-the-minute updates
Visit www.aei.org/policy/education
Tips? Comments? Questions? Email HayleySanon at HayleySanon@aei.org

American Enterprise Institute
1789 Massachusetts Avenue, NW, Washington, DC 20036
202.862.5800 | www.aei.org

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This message is for: jillian.balow@doe.virginia.gov | Manage Preferences | Unsubscribe

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/7/2022 12:40:16 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Curriculum Question

Please see below; adding to our 1 pm for discussion.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Moms4 Liberty** <moms4libertybedford@gmail.com>
Date: Mon, Mar 7, 2022 at 11:09 AM
Subject: Curriculum Question
To: <elizabeth.schultz@doe.virginia.gov>

Good Morning! Happy Monday!

Our school board is getting ready to recommend some curricula for purchase for the next school year. Members of our organization, Moms for Liberty, have been given the opportunity to review the choices that the curriculum review committee has narrowed down and we are concerned about some of the content. Given the giant, sweeping clean-out going on at the VDOE and the approved curriculum, my concern is that our county will approve these curricula and put them in the hands of our students and, next year, these items won't even be approved by the VDOE. I'd like to encourage our School Board to put the pause button on this purchase (which will use hundreds of thousands of taxpayer dollars), in the interest of making sure that our curriculum is not filled with materials that the VDOE will determine this year is divisive or has an ulterior motive. My concern is that this will be purchased this year, and be unapproved for next year, but will stay in the hands of students for the coming years, because it was "recently purchased" and "VDOE approved at the time". Can you offer any insight into this? The curricula they are suggesting is for Science and English. I would love to have some validation from the administration regarding our thoughts on this matter. Any advice or insight you could offer would be greatly appreciated. My goal is to present our suggestions to our Bedford County School Board at the meeting this Thursday, in the hopes of delaying their purchase approval (which they will vote on at the April meeting).

Also, a quick update for you. The open school board seat that I mentioned to you at dinner a few weeks ago has been filled. The board voted 4-2 to appoint the candidate that our organization was supporting; a conservative, business-owner and parent who has been serving the movement towards parental rights in the last year. He was being opposed by a 40 year veteran of the school system who, in recent years, had sued the school board for sexual discrimination. Another victory for parents!!!

Thanks so much for any insight you can provide!
All the best to you!
Amy Snead

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/18/2022 10:40:26 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Day One Executive Actions Instructions

Attachments: EA Instructions.docx

Just received.
JB

---------- Forwarded message ---------
From: **Ahmad, Ali** <ali.ahmad@governor.virginia.gov>
Date: Tue, Jan 18, 2022 at 9:28 PM
Subject: Day One Executive Actions Instructions
To: Richard Cullen <richard.cullen@governor.virginia.gov>, Matt Moran <matt.moran@governor.virginia.gov>

Good Evening:

Please see attached a breakout of instructions included in the Governor's Day One Executive Actions.

If you have any questions please reach out to us.

Regards,
Ali Ahmad

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GOVERNOR OF VIRGINIA

Day One Executive Action Instructions By Secretariat

Governor's Office

- **EO 7-** Establish the Human Trafficking Prevention and Survivor Support Commission and assign duties as spelled out in the executive order.

- **EO 8-** Establish a Commission on Combatting Antisemitism, appointing members and chair(s), directing agencies to support as needed. propose actions to combat antisemitism and reduce the number of antisemitic incidents

Chief Transformation Officer

- **EO 5-** The primary responsibilities of the Commonwealth Chief Transformation Officer will be to help build a culture of transparency, accountability, and constructive challenge across our government; ensure employees at all levels of government are reminded that our government works for the citizens of Virginia; drive changes improving the effectiveness and efficiency of our government through tracking key performance metrics; identify, coordinate, and lead targeted transformation efforts; and all other duties and responsibilities as determined and assigned by the Governor.

Office of the Attorney General Requests

- **EO 3-** Request the Attorney General to coordinate the prosecutorial and investigative efforts and to bring such cases as he may deem appropriate in order to protect the citizens of the Commonwealth and hold accountable any individuals who have violated

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existing law or violated the rights of victims of crime.

- **EO 4-** Request the Attorney General to initiate and coordinate investigative and prosecutorial efforts and to take such actions as he may deem appropriate in order to protect the citizens of the Commonwealth and hold accountable any individuals who have violated existing law or violated the rights of victims of crime.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

Administration

- **ED 2**
  - The Department of Human Resource Management shall work with private providers to ensure that vaccines and boosters are available to state employees and shall share provider information with all Executive Branch Employees.
  - The Department of General Services shall work with private providers to ensure that KN95 masks are available to employees and visitors at every state building.
  - Department of Human Resource Management shall issue a revised policy on COVID-19 “Public Health Emergency Leave” as revised or updated for information about paid time off for those diagnosed with COVID-19, in according with Executive Directive Two (2022)

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor’s authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor’s authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Agriculture and Forestry

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer

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- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Commerce and Trade

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Commonwealth

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

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Education

- **EO 1**
  - The Superintendent of Public Instruction shall review all policies within the Department of Education to identify those that promote inherently divisive concepts. Such policies shall be ended.
  - The Superintendent of Public Instruction shall immediately review all guidelines, websites, best practices, and other materials produced by the Department of Education to identify those that promote or endorse divisive or inherently racist concepts. Such shall be removed.
  - The Superintendent of Public Instruction shall review the Department of Education's Cultural Competency Training to determine if it or any portion promotes inherently divisive concepts, and take action consistent with the laws of Virginia to modify such training to end the use of inherently divisive concepts. In addition, the Superintendent shall make recommendations on how the Department of Education and school division can develop and make available to all teachers and school leaders model professional development and training so teachers and schools are prepared to engage students on important civics and historical issues in a fair and unbiased manner without imposing their own personal beliefs.
  - The Superintendent of Public Instruction shall review and revise or rescind Superintendent's Memo #050-19 to remove reference to any inherently divisive concepts.
  - The Superintendent of Public Instruction shall review all changes made to the Commonwealth of Virginia's public education curriculum within the last 48 months to identify inherently divisive concepts, including concepts or ideas related to Critical Race Theory, and initiate, through the regular curriculum re-evaluation process, 3 changes that will replace them with concepts and lessons that ensure all Virginia students are taught to respect all individuals regardless of their race, sex, or faith.
  - The Superintendent of Public Instruction shall review the Department of Education's Cultural Competency Training to determine if it or any portion promotes inherently divisive concepts, and take action consistent with the laws of Virginia to modify such training to end the use of inherently divisive concepts. In addition, the Superintendent shall make recommendations on how the Department of Education and school division can develop and make available to all teachers and school leaders model professional development and training so teachers and schools are prepared to engage students on important civics and historical issues in a fair and unbiased manner without imposing their own personal beliefs
  - The Superintendent of Public Instruction shall review and revise or rescind Superintendent's Memo #050-19 to remove reference to any inherently divisive concepts

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- The Superintendent of Public Instruction shall review all changes made to the Commonwealth of Virginia's public education curriculum within the last 48 months to identify inherently divisive concepts, including concepts or ideas related to Critical Race Theory, and initiate, through the regular curriculum re-evaluation process, changes that will replace them with concepts and lessons that ensure all Virginia students are taught to respect all individuals regardless of their race, sex, or faith.
- The Superintendent of Public Instruction shall review the "EdEquityVA" program and end any portion that promotes inherently divisive concepts.
- The Superintendent of Public Instruction shall provide a report to me and the Secretary of Education within 30 days any policies, programs, training, or curricula that falls within the definition of inherently divisive concepts and within 90 days identify any necessary executive and legislative actions needed to end use of all inherently divisive concepts in public education.
- The Superintendent of Public Instruction shall review and immediately end the use of any portion of any Governor's School program that promotes inherently divisive concepts.
- The Superintendent of Public Instruction shall raise standards in K-12 education and immediately take steps to:
    - increase the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensure that such measures do not obscure or conceal disparities in performance among student groups;
    - ensure that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades K-5;
    - ensure that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading; and
    - increase the number of academic-year Governor's Schools in the Commonwealth and maintain standards of excellence for students in all such schools.
    - ensure that parents are empowered with open access to information on primary instructional materials utilized in any school and that fair and open policies are in place to address any concerns or complaints in a timely and respectful manner.
- The Superintendent of Public Instruction shall issue a report to the Secretary of Education and me within 90 days on the status of efforts to close the "achievement gap" in K-12 education, with recommendations for additional executive and legislative actions that should be undertaken to ensure all students are graduating high school career and college ready.
- The Superintendent of Public Instruction will initiate, through the regular curriculum re-evaluation process, changes that ensure Virginia students are given thorough and comprehensive education of world, United States, and

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Virginia history without the influence of inherently divisive concepts.

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- **EO 2**
    - The Superintendent of Public Instruction shall rescind the Interim Guidance for COVID-19 Prevention in Virginia PreK-12 Schools, issued January 14, 2021, and updated October 14, 2021, and issue new guidance for COVID-19 Prevention consistent with this Order.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 8**
    - Participate in Commission on Combatting Antisemitism- compile materials and provide assistance to Virginia's public school system and state institutions of higher education in relation to antisemitism and its connection to the Holocaust.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Finance

- **ED 1-** provide the Governor with a report providing the following information dealing with promulgation of regulations related to regulatory reduction as authorized by House Bill 883 (2018):
    - Recommendations for ensuring complete documentation of any specific legislative mandates directing agencies to promulgate regulatory requirements;
    - An inventory of all exemptions from the Administrative Process Act and analysis of whether continuing these exemptions is in the best interests of the citizens of the Commonwealth. Such analysis shall also provide recommendations for legislative action to implement these recommendations;
    - Recommendations on additional efforts needed to ensure consistency across agencies in the approach to regulatory development and review;
    - Recommendations for improvements to the existing periodic review process, including documenting the statutory authority and certifying the number of regulatory requirements in the regulation at the time of review;
    - The feasibility and effectiveness of expanding the regulatory reduction pilot program to other agencies; and

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    - The feasibility and effectiveness of implementing a 2-for-1 regulatory budget.

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Health and Human Resources

- **EO 2**
    - The State Health Commissioner shall terminate Order of Public Health Emergency Order Ten (2021).

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Labor

- **EO 5-** Collaborate with the Chief Transformation Officer on VEC

- **EO 6**

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- Convene an emergency meeting of the Safety and Health Codes Board membership to discuss whether there is a continued need for the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19." The board is directed to consider federal action in regard to the Occupational Safety and Health Administration Emergency Temporary Standard. The Board should report its findings to the Governor within 30 days.
- Seek guidance from the Office of the Attorney General regarding whether the proper legal and administrative procedures were followed during adoption and promulgation of the Permanent Standards.
- As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under my authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Natural and Historic Resources

- **EO 9**
  - Director of DEQ shall in coordination with Secretary:
    - Provide me a full report re-evaluating the costs and benefits of participation in the Regional Greenhouse Gas Initiative Inc. in view of all available data, within 30 days.
    - During this same period, develop a proposed emergency regulation for the State Air Pollution Control Board's consideration to repeal 9VAC5-140.
    - During this same period, take all necessary steps to so that any proposed regulation to the State Air Pollution Control Board can be immediately presented for consideration for approval for public comment in accordance with the Board's authority pursuant to § 10.1-1308 of the Code of Virginia.

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- During this same period, notify the Regional Greenhouse Gas Initiative Inc. (RGGI Inc.) of the review and the Governor's intent to withdraw from RGGI, whether by legislative or regulatory action.

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Public Safety and Homeland Security

- **EO 3:** The Secretary of Public Safety and Homeland Security is directed to perform a programmatic review of the Parole Board's duties, procedures, and administration. The review shall include, but not be limited to, increasing the transparency of Parole Board votes, recording reasons for granting parole, and reviewing the management, personnel, and operations of the Parole Board. This review shall provide recommendations for legislative, administrative, and policy changes that will improve the administration of the agency in fulfilling its solemn public safety mission.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by

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federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Transportation

- **EO 5-** Collaborate with the Chief Transformation Officer on DMV

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Veterans and Defense Affairs

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/7/2022 5:23:36 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: FOIA Request

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 3, 2022 at 3:11 PM
Subject: Fwd: FOIA Request
To: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Cc: Leslie Sale <leslie.sale@doe.virginia.gov>

Good afternoon, Dicky:

Please see the below Virginia FOIA request we received earlier today for copies of "any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts regarding the ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH." I am currently waiting for the requester to confirm the intended date range for this request.

At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Are you also able to assist me with identifying any individuals who may have other responsive records that would not be captured in an email search, and/or assist with obtaining any such records from these individuals?

Without an extension, our response will be due by or before next Thursday, February 10th. Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.

Best regards,
Rebecca W.

---------- Forwarded message ---------
From: **Matthew Sommer** <matthew.john.sommer@gmail.com>
Date: Thu, Feb 3, 2022 at 8:47 AM
Subject: Re: FOIA Request
To: FOIA, rr <foia@doe.virginia.gov>

Hello Rebecca,

Matthew Sommer
949 Glenwood station lane
#101
Charlottesville, VA 22901

On Thu, Feb 3, 2022 at 8:20 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, Mr. Sommer:
>
> I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
>
> Have a good day.
>
> Best regards,
> Rebecca Westfall
>
> On Wed, Feb 2, 2022 at 10:26 PM Matthew Sommer <matthew.john.sommer@gmail.com> wrote:
>
> > Hello,
> >
> > Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.
> >
> > Regarding:
> >
> > The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH
> >
> > Please let me know if there is any expected charge.
> >
> > I am willing to accept this request digitally.
> >
> > Thank You,
> > Matthew Sommer

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 10:59:35 PM
To: "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Fw: VA Commission on African American Education

Attachments: Outlook-toxvmobg.png ,VA Commission on African American Education.docx ,VA Commission on African American Education.pdf

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More context for earlier email…

---------- Forwarded message ---------
From: **Mary Prentice** <drmprentice@gmail.com>
Date: Tue, Mar 22, 2022 at 2:14 PM
Subject: Fwd: Fw: VA Commission on African American Education
To: <elizabeth.schultz@doe.virginia.gov>, <elizabethschultzhome@gmail.com>, <dicky.shanor@doe.virginia.gov>, Mary Prentice <drmprentice@gmail.com>

Elizabeth and Dicky, Sorry the images did not come through in email I will put them in document and send them in separate email but I also thought you would want to see Eric who earned masters degree in History his review of the african american ONE SIDED leftist as it stands curriculum.
Hi Andrew,

Attached are my comments regarding the VA Commission on African American Education. Let me know if there's anything else I can do to help!

Regards,

Eric James Szandzik

Read the attached files below. I will be sending you Elizabeth a separate email with images in it that sorry did not come through in previous email I sent. Scroll down to read attachments.
Blessings, Mary Prentice

---------- Forwarded message ---------
From: **Andrew Glover** <andrew@glover.us>
Date: Thu, Dec 30, 2021 at 8:32 AM
Subject: Fw: VA Commission on African American Education
To: Mary Prentice <drmprentice@gmail.com>, ericjamesszandzik@gmail.com <ericjamesszandzik@gmail.com>

Hey Mary,
I want to introduce Eric Szandzik. Eric is a Lynchburg resident (I think Ward IV, but he'll have to correct me if I'm wrong), and recently obtained his Master's Degree in History. He and I have been chatting off-and-on for about 2 months now about various issues within Lynchburg City, and particularly the schools. One area he's expressed interest in is the VA Commission on African American Education. As apart of that he completed a review/analysis of the commission report that I found very insightful - I've attached it to this email in a word document. I know that you have been following this subject closely and wanted to connect both of you as a resource for each other.

Eric,
Dr. Prentice is perhaps the most knowledgeable local resource I know of (honestly in the whole state) in regards to cultural curriculums and the way they are being taught in school systems. She is a wealth of knowledge on the subject and regularly (2-3 times per week) provides critical updates, news, and analysis for local leaders on the issue. I highly encourage you two to meet for coffee. I think you would both get along well.

I also want to start putting a bug in both of your ears that LCS School Board Appointments are about to start in the next couple of months. I'd love to meet with you both to see if you would be willing to put your names forward to get onto the Lynchburg City School Board and start instituting the change we so desperately need.

Thanks,

Andrew Glover
Glover Ventures, LLC
andrew@glover.us
(434) 515-0022

From: Eric Szandzik <ericjamesszandzik@gmail.com>
Sent: Wednesday, December 29, 2021 2:11 PM
To: Andrew Glover <andrew@glover.us>
Subject: VA Commission on African American Education

Hi Andrew,

Attached are my comments regarding the VA Commission on African American Education. Let me know if there's anything else I can do to help!

Regards,

Eric James Szandzik
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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GLOVERVENTURES

NEVER STOP DREAMING.

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Eric James Szandzik (EJS): All italicized and bolded fonts were removed from the original. Italicized/bolded fonts are used below to notate and add comments.

EJS General comments: What is included in the history curriculum should not be determined by race, ethnicity, or any other element of an identity group. The curriculum should rely on the basis of what is historically significant and relevant to the subject material. If the curriculum is neglecting to include a certain race of people which are historically relevant to the subject material, then corrections should be made in that instance. Intentional specificity is appropriate for corrections to the history curriculum. These suggested changes are a wild pendulum swing to over-correct perceived mistakes in the history curriculum.

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Professional Development Recommendations

Additionally, the Commission recognized that change in the delivery of content will ***only be successful ifteachers and school leaders are appropriately supported and equipped to do so.*** The professional development subcommittee developed six key recommendations to ensure Virginia educators achieve proficiency in culturally relevant teaching and gain appropriate foundational knowledge in African American history. Their recommendations are to:

- ***Require*** every Virginia educator to certify that they have enrolled in Cultural CompetencyProfessional Development by 2022.
- ***Mandate*** certification (Continuing Education Units) in African American History for all holdersof education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to ***require*** evidence of course study in African American History.
- ***Require*** a credit in African American History as ***a new requirement for graduation*** in Virginia.The new elective course in African American History developed by VDOE and WHRO could be used tofulfill this requirement.

EJS: Requirements and mandates do not indicate that the commission is striving to support and equip teachers. They are forcing their recommendations and threatening termination for lack of cooperation. All trainings or certifications should be voluntary. If a school or district wants to hire more teachers with this training, they should be allowed to hire with those preferences.

Conclusion

The timing of the report reinforces the urgent and critical need we have as a society to better understand African American history and the ways in which our racial history continues to influence policies and systems today. The Commission wrote this final report in the midst of a global pandemic that disproportionately impacts communities of color. They worked against the backdrop of protests and outrage at the murder of George Floyd and too many other Black Americans in the name of law andorder.

EJS: What ought to be included in the history curriculum should not be determined by current trends or the news cycles. It should be determined by what is historically significant and relevant given the subject material.

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Shared Vision

As its members came together to embark in the process, the Commission identified a number of sharedgoals and vision for their work. The Commission's vision for progress as it relates to the teaching of African American history and the cultivation of culturally responsive school buildings included:

- More inclusive standards. The Commission approached the work of improving African American history standards in the Commonwealth by first acknowledging that African American students have often been excluded from learning their own history. The group shareda broader goal of ensuring that African American history be ***in all classrooms 180 days a year***, not just during Black History month or specific history courses. The Commission emphasized that educators should take an interdisciplinary approach and seek to represent diverse perspectives in all subject areas to enrich student education.

EJS: Their goal is to inundate every classroom with material that is specifically African American-centric. Material should be determine on its merits, not whether it aligns with a racial-political preference.

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- Culturally responsive pedagogy. Early in its work, the Commission agreed that all students inthe Commonwealth should be able to maximize their individual learning potential and engage indeeper learning. To ensure students can engage deeply in content, Virginia must empower educators to teach their students in ways that are relevant to their lives and experiences. The Commission embraced culturally responsive pedagogy because it recognizes the importance of
students' cultural references in all aspects of learning and does not just reinforce the values ofthe dominant culture.

EJS: A benevolent sentiment, if it was being advocated for all cultures. This commission only encourages the exposure to African cultures.

- ... Educators must view all of their students through an asset-based lens and create learning communities ***where all heritages are valued***. They must ***challenge stereotypes, prejudices, racism, and other forms of intolerance and oppression***. This requires significant resources and supports over an extended period of time.
- Anti-racist school communities. As Virginia commits to cultivating more empathetic and anti-racist school communities, it is imperative we ***change school names and mascots that memorializeConfederate leaders or sympathizers***. These school names and symbols have a traumatizing impact on students, families, teachers, and staff.

EJS: These statements are contradictory. The commission advocates valuing all heritages, then deny that right to Virginian war veterans of the Civil War and the descendants of those families.

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The existing standards explain the causes of the Civil War with the following sentences:

> Cultural, economic, and constitutional differences between the North and the South eventually resulted inthe Civil War.
>
> Sectional tensions, originating with the formation of the nation, ultimately resulted in war between theNorthern and Southern states.

The language above is passive, evasive, and circular. Below is the version with the subcommittee'ssuggested technical edits incorporated:

> Cultural, economic, and constitutional differences between the North and the South, all of them based inslavery, eventually resulted in the Civil War.

EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.

> Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in warbetween the Northern and Southern states.

EJS: By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.

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Standards Overhaul

In addition to examining the need for technical edits, the Standards Subcommittee had a workgroup that looked more cohesively at the standards as a whole. The standards overhaul group reviewed the organization of Virginia standards, and recommended changes for consideration by the Virginia Board of Education. They recommend changing the way history and social studies courses order their content,and encourage educators to teach content thematically so that students can more easily make connections and apply knowledge to their modern context.

EJS: This is a post-modern perspective on how history should be taught. History should be viewed through the context of the time, not with a modern context looking into the past. By arranging material thematically, rather than chronically, students lose an understanding of the situations examined, and the reality of the individuals within those situations.

Standards Overhaul Recommendations

- Develop a curriculum framework that addresses 10 key concepts that ensure African American history is not segregated from U.S. history in general. The concepts are:
  - ...
  - Racism and ***Systemic Racism*** – Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that racial differences produce aninherent superiority of a particular race
  - ...
  - Advocacy and ***Agency***
    - Advocacy – An activity by an individual or group that aims to influencedecisions within political, economic, and social systems and institutions
    - Agency – The capacity of individuals to act independently and to make theirown free choices.

EJS: Teaching American history through the lens of Systemic Racism denies Agency to blacks and whites. Systemic Racism would imply that the majority population group (whites) have created systems that are inherently racist against a minority population group (blacks). It is then supposed that these systems propagate racism by people operating within the systems regardless of individual actions or motives. This denies agency to white people, by eliminating the possibility that it is possible that non-racist whites are working within the system, and it also denies agency to black people, by claiming they must interpret all actions and motives through the prism of a racist perpetrator and victim.

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African American history should be taught throughout the entire year and across the curriculum. This requires a deep grounding in culturally responsive pedagogy, comprehensive content knowledge that paints a more complete historical picture, and an understanding of the contemporary ramifications of thepast.

EJS: No race should be given preference in teaching history. Whether or not a race is included in certain historical subjects should be determined by historical significance and relevancy.

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Defining Key Terms

- ***Anti-Racism***: Anti-racism acknowledges that racist beliefs and structures are ***pervasive in all aspects of our lives*** and requires action to dismantle those beliefs and structures. This requiresthat school leaders hold educators and students accountable when they say and do things thatmake school unsafe, and that they dismantle systems perpetuating inequitable access to opportunity and outcomes for students historically marginalized by race.[1]

EJS: It is their objective to promote the idea that racism is present everywhere and at every time. This is a cynical, malicious, and foolish perspective of human nature which should not be included in the history curriculum.

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Recommendations

Legislative

- ***Require*** every Virginia educator to certify that they have enrolled in Cultural CompetencyProfessional Development by 2022.
- ...
- ***Mandate*** certification (Continuing Education Units) in African American History for all holdersof education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend ***requirements*** for licensure endorsements in History/Social Science to require evidenceof course study in African American History.
- ***Require*** a credit in African American History as a new requirement for graduation in Virginia.The new elective course in African American History developed by VDOE and WHRO could be used tofulfill this requirement.

EJS: This goes beyond "supporting" teachers to educate students in an unbiased and truthful way. It mandates a narrow perspective on history.

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General

- ...
- Develop models for training about ***implicit bias*** and culturally-responsive pedagogy.
- ...
- Develop a model ***anti-racism*** educator policy approved by the Virginia Board of Education.
- ...

EJS: The idea of implicit bias is fundamentally flawed. It assumes that all people have nefarious unconscious biases. It has not been demonstrated that people have the particular set of unconscious biases according to their definition. When the Implicit Association Tests are re-taken by the same participant, the scores vary outside the limits of reliability.

The commission defines Anti-Racism as: believing that "racist beliefs and structures are pervasive in all aspects of our lives." This world-view should be avoided given that it is a cynical, malicious, and foolish perspective which should not be included in the history curriculum.

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Conclusion

Culturally-responsive pedagogy and curricula are needed more now than ever. ***Students in Virginia andacross the country are interested in learning about African American history*** in order to better understand the history of the United States. ***Many teachers are eager*** to gain robust and accurate content knowledge in Black history in order to more effectively teach both Black history and U.S. history....

EJS: If it was the case that students and teachers are interested to spend more time on African American history, their recommendations would not have to be required and mandated at every step.

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V. Conclusion

...

The Commission is issuing this report within the context of dramatic social upheaval. Our nation is in the throes of an unprecedented pandemic that is disproportionately impacting Black and Latino communities and illuminating devastating racial health disparities in our country. Additionally, the murder of George Floyd has catalyzed robust conversations about police brutality and racism in our society. Citizens all over the country have protested and called upon governments and leaders to take bold action against police brutality and other forms of structural racism in our communities. These events and public discourse clearly reinforce the dire need for all Virginians, and all Americans, to betterand more deeply understand America's difficult and complex racial history, its racists footings, and the continuous influence that history has on our society today.

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EJS: Whether or not a pandemic is disproportionally impacting Blacks and/or Latinos should have no impact on what history is taught in schools. There is zero evidence that the George Floyd murder was due to racism.

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EJS: The Original Language in Appendix D shows that African Americans have been, and are currently, included in the History and Social Studies curriculum. This runs contrary to the narrative of this commission, which depicts African American history has a neglected element in the current history curriculum.

Appendix D: Curriculum Framework Edits for Consideration

Course: Kindergarten

Standard	Original language	AAHEC Recommendation
K.1b		Where it states community or communitymembers, reference African American neighborhoods. ***---- EJS: No race should be given preference over another.***

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Course: Grade One

Standard	Original language	AAHEC Recommendation
1.1f	Experiences may include but are notlimited to the following: ● Describe how the relationshipbetween Pocahontas and the Jamestown settlers affected the success of the Jamestown settlement.	Experiences may include but are not limited to the following: ● ~~Describe how the relationship between Pocahontas andthe Jamestown settlers affected the success of the Jamestown settlement.~~ ● Describe how the relationship between diseases and weapons of the English settlers impacted the Virginia Indians. ***---- EJS: There is no reason to remove this element regarding Pocahontas. It replaces a positive story with one that presents America in a negative light. This is an objective for those who wish to emphasize slavery in America, and ignore or exclude any positive aspect of America.***
1.3a-e	The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on **a)** Powhatan; **b)** Pocahontas; **c)** Christopher Newport; **d)** Maggie L. Walker; **e)** Arthur R. Ashe, Jr.;	The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasison a) Powhatan; b) Pocahontas; c) Christopher Newport; d) Maggie L. Walker; e) Arthur R. Ashe, Jr.; f) Lawrence Douglas Wilder; and g) John Mercer Langston. ***---- EJS: Blacks are 19% of Virginia's population, but the race-centered***

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		Essential Understandings Not everyone was considered a citizen when our countrybegan, and for a long time after that, even until today. Essential Knowledge Students can ***demonstrate good citizenship*** by ● being inclusive of others despite differences ● exercising civic duties like voting and ***paying taxes*** ***---- EJS: Good citizenship is promoting race-blind education.***

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VS.3e	Essential Understandings Virginia became a more diverse colonyby 1620.	Essential Understandings This is the first time that Africans were introduced to theVirginia colony and became permanent part of Virginia's population. ~~Virginia became a more diverse colony by 1620.~~ ***---- EJS: Virginia became more diverse in many ways by 1620, not just related to Africans.***
VS.3e	Essential Knowledge Portuguese sailors captured African menand women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown. Africans arrived in Virginia against theirwill in 1619. The arrival of Africans made it possibleto expand the tobacco economy. The arrival of additional women in 1620 made it possible for more settlers to startfamilies, which helped to establish Jamestown as a permanent colony in Virginia.	Essential Knowledge ~~Portuguese sailors captured African men and women fromwhat is present-day Angola. The legal status of these earlyAfrican men and women as either servants or enslaved persons once they arrived in Virginia is unknown.~~ Africans arrived in Virginia against their will in 1619. The first Africans who were forcibly brought to Old PointComfort were originally free people who were captured byPortuguese soldiers by hired mercenaries in an Angolian region of West Central Africa. ***---- EJS: It could be added that Africans also captured their fellow Africans to sell to European traders. Also that slavery was practiced in Africa, Asia, Europe, and South America at that time.***
VS.4e	Most enslaved African Americansworked tobacco, other crops, and livestock.	~~Most e~~Enslaved Africans ~~Americans~~ worked tobacco, othercrops, livestock, in industries including shipping, construction, and other trades. Africans came to America with prior knowledge of skilled trade. ***---- EJS: This change suggests that African in Virginia were exclusively field workers, which is not true.***

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Standard	Original language	AAHEC Recommendation
VS.7a	Essential Understandings Because of economic differences, TheNorth and the South were unable to resolve their conflicts, and the Southseceded from the United States.	Essential Understandings Cultural, economic, and constitutional differences betweenthe North and the South based in slavery eventually resulted in the Civil War. ~~Because of economic differences, t~~The North and the South were unable to resolve their conflicts, and the South seceded from the United States. ***---- EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.***

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Standard	Original language	AAHEC Recommendation
VS.7a	Essential Knowledge Differences between northern and southern states The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor. Northern states wanted the new states created out of the western territories to be "free states," while the southern states wanted the new states to be "slave states."	~~Differences between northern and southern states~~ ● ~~The economy in the northern part of the United States was more industrialized, while the economyin the southern part was agricultural and relied more on slave labor.~~ ● ~~Northern states wanted the new states created outof the western territories to be "free states," while the southern states wanted the new states to be "slave states."~~ ***---- EJS: They likely want to remove this essential knowledge because it does not reinforce their political-racial agenda.***
VS.7a		Events leading to secession and war ● Abolitionists, The Fugitive Slave Act and the Underground Railroad were all contributing factors to the Civil War because most white southerners strongly believed they had the right to slavery. ***---- EJS: "Most white southerners strongly believed they had the right to slavery." Is an over-simplified generalization that happens to not be true.***
VS.7b	Major Civil War battles fought in Virginia	Major Civil War Events ~~battles fought~~ in Virginia ***---- EJS: There are many events mentioned throughout the curriculum. It is important to include a section specific to warfare during the Civil War.***

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Standard	Original language	AAHEC Recommendation
VS.8a	Problems faced by Virginians duringReconstruction ● Hundreds of thousands of freed African Americans needed housing, education, clothing, food, and jobs.	● African Americans pushed for education for their children. This directly resulted in Freedom's First Generation of who some became doctors, lawyers, and teachers. African Americans saw education as a path togreater opportunities. Despite the obstacles they faced,many African Americans achieved excellence. ***---- EJS: Some Virginians disobeyed state law to educate African Americans (ie. Stonewall Jackson).***

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Course: United States History to 1865

Standard	Original language	AAHEC Recommendation
USI.1g	Experiences may include butare not limited to the following:	Experiences may include but are not limited to the following: ● Create a flowchart to show connections between what explorerswanted to accomplish in the west (e.g., find new land for farming) and the effect that these interests had on American Indians (e.g., American Indians were forcibly removed from their land and in many cases massacred ~~displaced from their land~~). Discuss how the relationship between the explorers and the American Indians changed over time. ***---- EJS: "Displaced" accurately captures the historical reality that 90% of American Indians died from disease, not forced removal or massacres. An emphasis is being placed on rare occurrences of massacred and suggesting that it was the norm.***

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Standard	Original language	AAHEC Recommendation
US1.5d	Women ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities forgetting an education Free African Americans ● Were able to own land ● Had economic freedom andcould work for pay and decide how to spend their money ● not allowed to vote	White Women ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities for getting an education Free African Americans ● Were able to own/inherit land ***in some cases*** ● Had limited economic freedom and could work for pay anddecide how to spend their money ***in some cases*** ● Had varying degrees of freedom and were not allowed to vote(men or women) ***---- EJS: The section is centered on the legality, not individual situations. And legally, the statements are true without "in some cases." The phrases "in some cases" were included to continually paint a negative picture of Africans in America in every possible facet of life.***
US1.6b	Essential Understandings The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights tolife, liberty, and the pursuit of happiness.	Essential Understandings The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights tolife, liberty, and the pursuit of happiness. ***In practicality, it only applied to white men at this time.*** ***---It is an objective of this commission to infuse race with every facet of history. MJK Jr. believed that the Declaration applied to him as an African American.***
USI.7b	The Constitutional Convention	The Constitutional Convention ● The Three-fifths Compromise perpetuated slavery in the UnitedStates. ***---- EJS: The Three-fifths Compromise was a "downright disability" on the South according to Frederick Douglas. The inclusion of it helped progress towards abolishing the institution of slavery. The addition by the commission is exactly the opposite of the truth.***

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US1.7c	● Thomas Jefferson ○ Lewis and Clark explored new land west of the Mississippi River;	● Thomas Jefferson ○ The Lewis and Clark Expedition, which ***included enslaved peoples Sacagewa and York***, explored– ~~new~~ land west of the Mississippi River; ***---- EJS: It is an objective of this commission to infuse race and slavery with every facet of history.***

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Standard	Original language	AAHEC Recommendation
US1.8e	Essential Understandings The abolitionists worked to end slavery. The women's suffrage movement helped women gain equal rights.	Essential Understandings The abolitionists worked to end slavery. ~~The women's suffrage movement helped women gain equal rights.~~The beginning of the women's suffrage movement included both white and African American women known as suffragists. Not all white suffragists were in agreement that women of color should be extended the right to vote. ***---- EJS: It is an objective of this commission to infuse race with every facet of history.***
USI.9a	Essential Understandings Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.	Essential Understandings ~~Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.~~Strugglesover the future of slavery's expansion agitated the United States fordecades and led the nation into the Civil War. ***---- EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.***

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Standard	Original language	AAHEC Recommendation
US1.9a	Essential Knowledge Issues that divided the nation ● Slavery o While there were several differences between the North andthe South, the issues related to slavery increasingly divided the nation and led to the Civil War. o Much of America's economy revolved around the institutionof slavery. ● Cultural issues o The North was mainlyan urban society in which people held jobsin cities. o The South was primarily an agricultural society in which people lived in small villages and on farms and plantations. o Because of their cultural differences, people of the North andSouth found it difficult to agree on social and political issues. ● Economic issues o The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition. o The South was largely agricultural. Southerners opposed tariffs that would cause	Essential Knowledge Issues that divided the nation o ... ● Cultural issues ● The North and the South shared a culture of Protestant Christianity, political beliefs based on the Constitution, andideals of personal property.~~The North was mainly an urbansociety in which people held jobs in cities.~~ o A culture of reform grew in the North, fed by the Second Great Awakening, aspirations of social improvement, activist women, and charismatic reformers.~~The South wasprimarily an agricultural society in which people lived in small villages and on farms and plantations.~~ o ~~Because of their cultural differences, people of the North andSouth found it difficult to agree on social and political issues.~~ ● In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people ● Black southerners saw themselves as a people held in bondage like the Israelites in the Bible and had faith theywould one day be delivered from slavery. ***---- EJS: There is no reason to remove the fact that "The North was mainly an urban society in which people held jobs in cities" and "The South was primarily an agricultural society in which people lived in small villages and on farms and plantations." If the commission would like to include denominational references to the church (as their edits in this section would suggest), "Second Great Awakening" should be "Second Great Awakening of Protestant Christianity."*** ***"In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people" should be countered with the fact that in the north white people argued that the Bible condemned slavery. The only reason to not include a counter-point to their addition would be to maintain their narrative of negativity and oppression.*** ● Economic issues

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		~~The North was more of a manufacturing region, and its people favored tariffs that protected factory owners andworkers from foreign competition.~~ ~~o The South was largely agricultural. Southerners opposedtariffs that would cause prices of manufactured goods to increase. Planters were also concerned that Great Britainmight stop buying cotton from the South if tariffs were added.~~ ● In both the North and the South, most people were farmers ● About a fourth of white Southern families owned enslavedpeople and grew wealthy from their labor. ***---- EJS: There is no reason to remove details about the economic differences between the north and the south. It was likely a suggested deletion because it did not maintain their narrative of negativity.***

Standard	Original language	AAHEC Recommendation
	prices of manufacturedgoods to increase. Planters were also concerned that Great Britain might stop buying cotton from theSouth if tariffs were added. ● Constitutional issues ● A major conflict wasstates' rights versus strong central government.	● ~~Constitutional issues~~ ● ~~A major conflict was states' rights versus strong centralgovernment.~~ ***---- EJS: Removing States' rights as an element of the Civil War, which many argued was the reason for secession, goes against the commission's stated goals of being inclusive.*** ● Political Issues ● Voters in the North and the South belonged to the samepolitical parties from the 1820s through the 1850s: Democrats and Whigs. ● The two parties found ways for the divergent interests of the North and South to be compromised. ● The emergence of the Republican Party in the late 1850s gave voice to Northerners angry at Southern dominance ofthe federal government out of proportion to white population. ● These political differences, fed by the invention of the telegraph and the spread of newspapers, led the South to secede. ***---- EJS: Advocates of slavery were primarily found within the Democratic Party.***

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Standard	Original language	AAHEC Recommendation
USII.1g		• Create a timeline that illustrates the role of Jim Crow (segregation) laws in the 20th century and how those laws restricted the rights, economic decision-making, and choices of African Americans
USII.1h	Problem: Which of the following amendments to the United States Constitution is most important	Deletion ***---- EJS: An attempt to remove an objective analysis of the Constitution while replacing it with a timeline creation of a negative depiction of America.***

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Standard	Original language	AAHEC Recommendation
USII.3b	The student will apply social science skills to understand theeffects of Reconstruction on American life by b) describing the impactof Reconstruction policies on the South and North; Essential Understanding The Reconstruction policies were harsh and created problems in theSouth. Reconstruction attempted to define the means by which all Southerners could live together equally.	Essential Understanding ~~The Reconstruction policies were harsh and created problems inthe South.~~ ~~Reconstruction attempted to define the means by which allSoutherners could live together equally.~~ Reconstruction attempted to create legal equality for free andformerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laidthe legal foundation for the equality of all Americans, which we continue to pursue. ***---- EJS: Reconstruction policies were devastating for southern farmers trying to rebuild, there is no reason to remove the fact that such policies were "harsh and created problems."*** ***"Which we continue to pursue" is a philosophical and political statement, which should not be included in the history curriculum.***

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Standard	Original language	AAHEC Recommendation
USII.3b	Essential Knowledge Reconstruction policies andproblems ● Southern military leaders could not hold office. ● African Americans couldhold public office. ● African Americans gained equal rights as a result ofthe Civil Rights Act of 1866, which also authorized the use of federal troops comprisedmainly of Northern soldiers for its enforcement. ● Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. ● Federal troops supervised the South. ● The Freedmen's Bureauwas established to aid former enslaved AfricanAmericans in the South. ● Southerners resented Northern "carpetbaggers," some ofwhom took advantage ofthe South during Reconstruction.	Essential Knowledge Reconstruction policies and problems ● ~~Southern military leaders could not hold office.~~ ● ~~African Americans could hold public office.~~ ● ~~African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for itsenforcement.~~ ● ... ● Southern states adopted Black Codes to limit the economicand physical freedom of former slaves. ● After the adoption of the Reconstruction laws, former Confederates states could not be readmitted to the UnitedStates until they held conventions to write new constitutions that adopted the 14th Amendment ● African American men could vote for delegates to thoseconventions and serve as delegates ● Federal troops supervised the South. ● ~~...~~ ● ~~Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.~~ ● The state governments under Reconstruction adopted lawsto create public education and new state institutions ● Most white Southerners resisted the Reconstruction governments and worked to replace them as soon aspossible ● ... ***---- EJS: There is no reason to remove the first three bullet points. It was likely a suggested deletion because it did not maintain their narrative of negativity and oppression.*** ***There is no reason to delete the reference to "carpetbaggers." The reason for deletion is likely to eliminate any possibility that northerners were taking advantage of the south at that time.***
USII.3c	Abraham Lincoln ● Issued Reconstruction plancalling for reconciliation ● Believed preservation of theUnion was more important than punishing the South	Abraham Lincoln ● His plan for ~~Issued~~ Reconstruction was not fully formed atthe time of his assassination in April 1865 p~~lan calling for reconciliation~~ ***---- EJS: The statement that Lincoln called for reconciliation should remain. It was likely a suggested deletion because it did not***

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		maintain their narrative of negativity and oppression for blacks.

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Standard	Original language	AAHEC Recommendation
		● The resistance of white Southerners to the rights of formerly enslaved people, in Black Codes and violence, led Lincoln's party to begin a more thorough Reconstruction two years after the war's end ~~Believed preservation of the Union was more important than punishing the South~~ ***---- EJS: The additional information about "two years after the war's end" is acceptable, but the final line shouldn't be removed: "[Lincoln] Believed preservation of the Union was more important than punishing the South." There is no reason to remove that, other than the commission's continue objective to remove positive or benevolent statements about white Americans.***
USII.3c	Robert E. Lee ● Urged Southerners to reconcile with Northernersat t~~h~~e end of the war and reunite as Americans when some wanted to continue tofight	Robert E. Lee ● Remained silent as laws to create equality for African Americans were proposed and did not encourage white Southerners to cooperate. ***---- EJS: He was not silent. He encouraged interracial religious worship and spoke against slavery before and after the Civil War.*** ● After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause ***rather than the creation of a new nation based on slavery.*** ***---- EJS: The Confederate States were divided about the future of slavery. The Confederate States' Constitution was not based on the existence of slavery.***

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Standards	Original Language	AAHEC Recommendations

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VUS.2b	Interactions among American Indians, Europeans, and Africans ● The first Africans were broughtagainst their will to Jamestown Virginia, in 1619 to work on tobacco plantations. The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led an enslaved labor force. ● This system eventually led tothe introduction of African slavery in British North America.	Interactions among American Indians, Europeans, andAfricans ● The first Africans were brought against their will to Old Point Comfort (Fort Monroe), Virginia, in 1619 to work on plantations, were taken from the Ndongo which is modern-day Angola . The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, ledwealthy English colonists to adopt an enslaved labor force despite their fear of bringing an alien people intothe colony. This system eventually led to the introduction of African slavery in British North America. ***---- EJS: The Africans taken from Angola were captured by their fellow Africans and sold to merchants.***

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Standards	Original Language	AAHEC Recommendations
VUS.3c	Essential Understandings American colonial reliance on a cheap, eventually conflicted with the founding principles establishedin the Declaration of Independence. Essential Knowledge The development of indentured servitude and slavery. ● Although some Africans worked as indentured servants,earned their freedom, and livedas free citizens during the colonial era, over time larger and larger numbers of enslaved Africans,, were forcibly brought	Essential Understandings ● Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger andlarger numbers of enslaved Africans, for nearly two thousands years, were forcibly brought to the American colonies via the Middle Passage. ***---- EJS: America has not been in existence for "two thousands years."***

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Standards	Original Language	AAHEC Recommendations
VUS.4a	The French and Indian War ● Was the first step on the roadto the American Revolution	The French and Indian War ● Turned out to be Was the first step on the road to theAmerican Revolution ***---- EJS: Grammatical error.***

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Standards	Original Language	AAHEC Recommendations

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VUS.6a\ (cont'd)	Impact on the American Indians ● During this period of westwardmigration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers and forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears,when several tribes were relocated from Atlantic Coastalstates to present-day Oklahoma) or confined to reservations.	Impact on the American Indians ● The forced migrations led to the deaths of up to a thirdof the indigenous people forced to move with inadequate supplies and protection. ***---- EJS: Overall, around 90% of all American Indian deaths were related to disease. Neglecting this fact in all references to American Indian deaths is an attempt to depict all American Indian deaths as the result of warfare and massacres.***

Standards	Original Language	AAHEC Recommendations
VUS.6g	Essential Understandings The events of the 1850s, combined with the lack of strong presidentialleadership, led to the secession of Southern states. Sectional tensions originating withthe formation of the nation, ultimately resulted in war betweenthe Northern and Southern states. Essential Knowledge - Causes of the Civil War ● Sectional disagreements and debates over tariffs, extensionof slavery into the territories,nature of the Union (states' rights) ● While there were several differences between the Northand the South, ● Northern abolitionists vs. Southern defenders of slavery ● Publication of Uncle Tom's Cabin by Harriet Beecher Stowe ● United States Supreme Court decision in the Dred Scott case ● A series of failed compromises over the expansion of slavery inthe territories and the Fugitive Slave Act	Essential Understandings Cultural, economic, and constitutional differences betweenthe North and the South ***all of them based in slavery*** eventually resulted in the Civil War. ***---- EJS: This is untrue. There were many cultural, economic, and constitutional differences between the North and South that were not based in slavery. Most obvious being that many northerners thought it was against the constitution to secede from the union, while many southerners believed it was consistent with the constitution to secede from the union. Many economic differences are also due to geography: the lands of the south happen to be more suitable for farming and agriculture. By narrowing the reasons for the start of the civil war to only slavery goes against the commission's stated goals of being inclusive. Exclusively mentioning slavery is anti-inclusive by definition.***

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Standards	Original Language	AAHEC Recommendations
VUS.7b	Emancipation Proclamation ● Allowed for the enlistment of African American soldiers in the Union Army	Emancipation Proclamation ● Allowed for the enlistment of African American soldiers and sailors in the Union ArmyUnited Statesmilitary ***---- EJS: Grammatical error.***

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Standards	Original Language	AAHEC Recommendations
VUS.8a	Essential Understandings This growth, while positive forsome, resulted in more displacement for American Indians.	Essential Understandings This growth, while positive for some, resulted in more displacement for American Indians. destroyed ways of lifethat American Indians had practiced for centuries and dispossessed them from their homes. ***---- EJS: Overall, around 90% of all American Indian deaths were related to disease. Neglecting this fact in all references to American Indian deaths is an attempt to depict all American Indian deaths as the result of warfare and massacres.***

EJS: The idea of changing history standards on the basis of race is foolish and harmful to quality education. Virginia's demographics include: White 67%, Black 19 %, Asian 6 %, Native American 1%, and Pacific Islander 1%. If mandates are issued for Black history additions to the curriculum, it would be unreasonable to not include all of the other racial groups. There is also a lot of diversity within those other racial groups: biological sex, class, education, religion, etc. To honestly promote equality for all, there would need to be mandates for all identity group combinations. Why only focus on inserting more Black History into the curriculum when you're neglecting poor male Asians, Native American females with Ph.Ds, wealthy male Pacific Islanders? And if you mandate history curriculum for those identity groups, you might be neglecting the rich female Asians, Native American males with Associates Degrees, and poor female Pacific Islanders. The combinations are endless, which is why it is foolish to analyze history curriculum on the basis of race or any other identity group characteristic.

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Final Report of the

Virginia Commission on African American History Education in the Commonwealth

August 2020

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VA-DOE-22-0316-B-000677

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Virginia is the place where enslaved Africans first landed and where American representative democracy was born.

Virginia is the place where emancipation began and the Confederate capitol was located.

Virginia is the place where schools were closed under Massive Resistance, rather than desegregate and allow Black children to attend, and it is the state that elected the nation's first African American governor.

Virginia is a place of contradictions and complexity. We take a step forward and, often, a step back.

We have to acknowledge that. We have to teach that complexity to our children, and often to our adults. We are a state that for too long has told a false story of ourselves.

The story we tell is insufficient and inadequate, especially when it comes to Black history. We must remember that Black history IS American history.

That's why I signed an executive directive to establish a Commission on African American History Education in the Commonwealth.

This Commission will review our educational standards, instructional practices, content, and resources currently used to teach African American history in the Commonwealth. We want to make sure all students develop a full and comprehensive understanding of the African-American voices that contribute to our story.

While we cannot change the past, we can use it and learn from it. When we know more, we can do more.

As we reckon with the painful legacy of Virginia's racist past, and acknowledge that it continues to shape our present, we can and must continue to act to improve the future. We must work to tell our full and true story.

It is our job—all of us that make up this diverse society—to ensure that when the next generation looks back—a generation that is hopefully more inclusive than we have been—they see a more accurate narrative, one that tells the truth, and includes everyone.

Governor Ralph S. Northam
Old Point Comfort, August 24th, 2019
Commemoration of the First African Landing

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I. Executive Summary

On August 24th, 2019 at Old Point Comfort, the site where the first enslaved Africans arrived on Virginia shores 400 years earlier, Governor Ralph Northam signed Executive Order Thirty Nine and announced the establishment of the *Virginia African American History Education Commission.* The Governor charged the Commission with thoroughly examining the Commonwealth's K-12 curricula, professional development practices, and instructional supports to make recommendations for improving the way African American history is taught in Virginia schools. Governor Northam appointed a diverse, talented, and vibrant group of individuals to serve on this Commission including educators, historians, museum curators, school board members, faith leaders, school administrators, and citizens across the Commonwealth.

Executive Order Thirty Nine tasked the Commission with issuing a report no later than September 1, 2020, with recommendations including but not limited to:

1. Technical edits to and recommendations for enriched standards related to African American history;
2. Broader considerations for the full history and social studies standards review process; and
3. Necessary professional development and instructional supports for teachers to ensure culturally competent instruction

In this final report, the Commission offers extensive recommendations to ensure that content in Virginia schools is accurate, inclusive, and relatable, and to equip educators with the skills necessary to teach in a culturally responsive manner. When implemented, the Commission's recommendations will enable all Virginia students to develop a comprehensive understanding of the African American voices that contribute to Virginia's story.

Standards Recommendations

Even though Virginia led the nation in developing high quality content standards more than 25 years ago, the standards were tainted with a master narrative that marginalized or erased the presence of non-Europeans from the American landscape. These historical silences skew our perspective of the past, erasing people of color, and supplanting them with false narratives that ignore the diverse cultural underpinnings in American society.

While revised regularly by historians and experts, Virginia's History and Social Studies Standards of Learning continue to be incomplete with regards to incorporating African American history into the larger narrative. Therefore, the Commission was tasked with making recommendations to ensure that the standards are more inclusive of African American history and provide opportunities for students to engage the content deeply, drawing connections to its relevance in our contemporary communities. The Standards Subcommittee therefore recommends the following:

- The State Superintendent for Public Instruction should approve technical edits to the Curriculum Framework for the following courses: Virginia Studies, United States History I and II, and Virginia and United States History. Any edits that fall outside the purview of technical adjustments should be considered during the regular standards review process by the Board of Education. All recommended edits can be found in Appendix D.
- The Board of Education ought to revise its standards review process and practice to be more inclusive of diverse perspectives. An updated review process chart can be found in Appendix E.
- The Board of Education should consider including 10 key concepts in its history and social studies standards to ensure that African American history is not taught separately, but is truly a cohesive part of the teaching of all history.

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- The Board of Education ought to approve the teaching of history as a requirement at all levels in K-12 to ensure that all of Virginia's citizens are educated about the history of Virginia and the nation.

Professional Development Recommendations

Additionally, the Commission recognized that change in the delivery of content will only be successful if teachers and school leaders are appropriately supported and equipped to do so. The professional development subcommittee developed six key recommendations to ensure Virginia educators achieve proficiency in culturally relevant teaching and gain appropriate foundational knowledge in African American history. Their recommendations are to:

- Revise Virginia's Teacher Evaluation Regulations and Virginia's Uniform Performance standards for School Leaders to include cultural proficiency efficacy.
- Require every Virginia educator to certify that they have enrolled in Cultural Competency Professional Development by 2022.
- Allocate funding and personnel resources to develop and implement comprehensive professional development in the areas of cultural competency and African American History content for Virginia educators.
- Mandate certification (Continuing Education Units) in African American History for all holders of education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to require evidence of course study in African American History.
- Require a credit in African American History as a new requirement for graduation in Virginia. *The new elective course in African American History developed by VDOE and WHRO could be used to fulfill this requirement.*

Conclusion

The timing of the report reinforces the urgent and critical need we have as a society to better understand African American history and the ways in which our racial history continues to influence policies and systems today. The Commission wrote this final report in the midst of a global pandemic that disproportionately impacts communities of color. They worked against the backdrop of protests and outrage at the murder of George Floyd and too many other Black Americans in the name of law and order.

Understanding history imbues citizens with a deep and complex knowledge about their community and their nation. An effort to change the way citizens of Virginia are educated about history, with a special emphasis on incorporating African American history into the larger narrative, has never been more important. The Commission shares a strong sense of urgency for policymakers to act and implement the recommendations necessary to achieve a vision for a more just and inclusive Virginia.

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II. About the Commission

Membership, Leadership, Organization and Support

Governor Northam appointed a diverse, talented, and vibrant group of individuals to serve on this Commission including educators, historians, museum curators, school board members, faith leaders, school administrators, teachers, and citizens across the Commonwealth. The Commission was chaired by Dr. Derrick Alridge, Professor of Education and Director of the Center for Race and Public Education in the South, Curry School of Education and Human Development, University of Virginia; Dr. Cassandra Newby-Alexander, Dean of the College of Liberal Arts and Professor of History, Norfolk State University; and Dr. Rosa Atkins, Superintendent, Charlottesville City Schools. Dr. Alridge chaired the Professional Development Subcommittee; Dr. Newby-Alexander chaired the Standards Subcommittee and Dr. Atkins served as co-chair and Commission facilitator. Other key leadership included Virginia's Secretary of Education Atif Qarni and Superintendent of Public Instruction Dr. James Lane.

A complete roster with titles and affiliations can be found in Appendix A.

In order to fulfill the charge of the Commission, the group was organized into two subcommittees, one focused on Standards Revisions, chaired by Dr. Newby-Alexander; and the other focused on Professional Development, chaired by Dr. Derrick Alridge. The Standards Subcommittee focused on reviewing Virginia's history standards of learning, and the instructional practices, content, and resources currently used to teach African American history in the Commonwealth. At times, the Standards Subcommittee broke into smaller groups to work separately on technical edits, recommendations for the standards revision process, and examining the need for a comprehensive overhaul of the standards. Afterwards, the entire subcommittee reconvened and meticulously reviewed all edits, reaching a consensus on language and content. Meanwhile, the professional development subcommittee developed recommendations to better prepare Virginia teachers to teach African American history and apply culturally responsive pedagogical practices in their classrooms.

Staff from the Office of the Secretary of Education and Virginia Department of Education supported the Commission's work and convened its meetings. Additionally, the Intercultural Development Research Association (IDRA) contributed its expertise in standards revision and professional development to the Commission, supporting the VDOE and Secretary's staff by recording and transcribing meetings and listening sessions.

Meetings and Listening Sessions

The Commission began meeting in the fall of 2019, and met seven times over the course of the following year in different parts of the Commonwealth. In these meetings plenary presentations were made by local and national experts on a range of related topics. Additionally, the subcommittees met in small groups at each of these meetings to discuss, develop and draft their recommendations. All meetings were open to the public, and time was allocated for public comment at each meeting. This ensured that a wide variety of voices could be heard by Commission members. Verbal and written public comment was received from students, educators, families, advocacy groups, and citizens.
To view the written public comments submitted to the Commission, see the Commission's Dropbox file.
A complete set of meeting agendas can be found in Appendix B.

The Commission also sought community input during a series of public listening sessions during the spring of 2020 as it examined how to best strengthen the Virginia history standards, and improve African American history education in classrooms across the Commonwealth. Approximately 300 people attended the first three listening sessions in Roanoke, Richmond, and Norfolk with panelists and

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members of the public alike providing robust public comment to Commission members at these events. Sessions in Danville and Woodbridge were cancelled due to COVID-19, and a survey was developed to obtain comment from those unable to attend a listening session.

A summary of these sessions can be found in Appendix C.

The Why & A Shared Vision

Why African American History? Why Now?

As Governor Northam said in his August 24th address, the history of African Americans in Virginia, and our nation, is difficult, complex and often untold. On the day Governor Northam established the Commission on African American History Education, Virginia honored the First African Landing, the 400th anniversary of the arrival of enslaved Africans on Virginia shores at Old Point Comfort. Only a few weeks earlier in Jamestown, white landowning men gathered to establish a system of representative government, our modern day democracy. That system did not represent the newly arrived Africans, who were forced from their homes and into a system of chattel slavery and systematic oppression. 400 years of American history later, Black people in Virginia endured not only decades of enslavement, but also Jim Crow terror and discrimination, Massive Resistance, and modern day iterations and remnants of government sanctioned Black oppression. Virginia has failed to fully represent African Americans in its history, contributing to a legacy of racism that has seeped into systems that impact every individual and every aspect of American life, including our classrooms.

Segregationist education policies codified into law and support of Massive Resistance in Virginia underscore the importance of this Commission's work. Well before the landmark 1954 school desegregation case, Brown v. Board of Education, African American high school students led by Barbara Johns organized a student walkout at Robert Russa Moton High School in Farmville, Virginia, to protest its substandard conditions. While the Brown decision affirmed that Black students had a constitutional right to adequate schooling, there would be a struggle for equal access to a high quality education for years to come. It is this history that contextualizes the inequities leaders continue to work towards eradicating in Virginia's public education system today; thus a robust understanding of this important history and its continuous influence on our communities today should be an essential component of the knowledge gained by every Virginia student.

The Governor's creation of the Commission on African American History Education in Virginia provided an opportunity for the Commonwealth's schools, educators, students, and families to reaffirm their commitment to breaking down these monumental inequities, and to tell a truer, better, and more honest Virginia story.

Shared Vision

As its members came together to embark in the process, the Commission identified a number of shared goals and vision for their work. The Commission's vision for progress as it relates to the teaching of African American history and the cultivation of culturally responsive school buildings included:

- **More inclusive standards.** The Commission approached the work of improving African American history standards in the Commonwealth by first acknowledging that African American students have often been excluded from learning their own history. The group shared a broader goal of ensuring that African American history be in all classrooms 180 days a year, not just during Black History month or specific history courses. The Commission emphasized that educators should take an interdisciplinary approach and seek to represent diverse perspectives in all subject areas to enrich student education.

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- **Culturally responsive pedagogy.** Early in its work, the Commission agreed that all students in the Commonwealth should be able to maximize their individual learning potential and engage in deeper learning. To ensure students can engage deeply in content, Virginia must empower educators to teach their students in ways that are relevant to their lives and experiences. The Commission embraced culturally responsive pedagogy because it recognizes the importance of students' cultural references in all aspects of learning and does not just reinforce the values of the dominant culture.

- **Support for educators.** Reinvigorating African American history in the Commonwealth cannot be changed without altering policy, practices, and teacher preparation. The Commission believes that every educator and school leader needs to be connected to this work and supported in meaningful ways. Additionally, successful culturally-responsive pedagogy requires educators to make changes in instructional techniques, materials, student-teacher relationships, classroom climate, and self-awareness. Educators must view all of their students through an asset-based lens and create learning communities where all heritages are valued. They must challenge stereotypes, prejudices, racism, and other forms of intolerance and oppression.. This requires significant resources and supports over an extended period of time.

- **Anti-racist school communities.** As Virginia commits to cultivating more empathetic and anti-racist school communities, it is imperative we change school names and mascots that memorialize Confederate leaders or sympathizers. These school names and symbols have a traumatizing impact on students, families, teachers, and staff. As Governor Northam wrote in his July 6th letter to School Board Chairs, "When our public schools are named after individuals who advanced causes of slavery and systemic racism, and we allow those names to remain on school property, we tacitly endorse their values as our own. This is no longer acceptable."

The shared goals of the Commission drove the conversation and development of recommendations by each of these subcommittee, as they charted pathways from the current realities to a bold vision for African American history education in the Commonwealth. These pathways are laid out in greater detail in the next two sections detailing the final recommendations.

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III. Standards Subcommittee Recommendations

"When we look back at events of 1619, or 1861, or 1964, when the Civil Rights Act was signed, we often look at them as history—frozen in time or locked in a book, relics of the past. We memorize dates, but not connections. We don't teach the themes that appear in our history over and over again. We often fail to draw the connecting lines from those past events to our present day. But to move forward, that is what we must do."

- Governor Northam

The standards subcommittee, chaired by Dr. Cassandra Newby-Alexander, was tasked with three major objectives as it relates to Virginia's History and Social Students standards. This included:

1) making recommendations for technical edits to the Virginia's History and Social Science Standards of Learning (SOL);
2) identifying how the standards can be organized and improved to provide a more comprehensive picture of the African American story; and
3) how Virginia can improve the standards revisions process itself.

This section of the report reflects the Subcommittee's work in those 3 areas, as well as additional background and context for Virginia's standards and the process by which they are revised.

About Virginia's History and Social Science Standards

The Commonwealth has long been known for its rigorous academic standards, including its history and social science standards of learning (SOL). First established in 1995, the standards of learning were created to raise and align the expectations for all students in public schools. The SOL establishes minimum expectations for the skills and knowledge a student should be able to demonstrate at the end of each grade or course. The standards fall under the purview of the Virginia Board of Education, which establishes a regular schedule for reviewing each SOL, typically once every 7 years. It is the responsibility of the Virginia Department of Education to facilitate the review process, gather input, and make recommendations to the Virginia Board of Education.

The Virginia Department of Education relies heavily on stakeholder input to create, revise and update the standards during the formal SOL review process. Since its inception the standards have been routinely updated based on feedback from practitioners, historians, community members, and stakeholders. The Standards Subcommittee of the Commission on African American History Education developed comprehensive recommendations and feedback for the consideration of the Virginia Department of Education and Virginia Board of Education during their regular review of the History and Social Studies standards which is scheduled to begin in early 2021.

Below is a summary of the work conducted by each workgroup, and the recommendations that emerged from their collaborative effort.

Technical Edits

Technical edits are made to inaccurate statements found in the Curriculum Framework with the final approval of the Superintendent of Public Instruction and communicated through a Superintendent's Memo to school divisions.

The Technical Edits Workgroup reviewed every Standard of Learning in Virginia's mandatory history and social studies courses to ensure that the content educators are teaching in our schools is accurate, inclusive, and relatable. They made detailed recommendations for edits, which are found in Appendix D. The workgroup recognizes that some of the edits may be beyond the scope of technical, and recommend

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any changes that cannot be immediately made by the State Superintendent be considered by the Board of Education in the regular review of the standards in 2021.

The Technical Edits Workgroup summarized the recommended changes as follows:

1. The elementary-level language was changed to make it more inclusive, covers diverse backgrounds, and highlights African American landmarks so that students can become acquainted with the importance of community history.
2. Important historical figures with diverse perspectives and contributions to the history and culture of Virginia and the United States were included throughout the curriculum so it is up to date and contains a range of African Americans to whom students can relate
3. Terms and content relevant to African American history are introduced in earlier grades
4. Information added and corrected in the U.S. history curriculum on the topics of slavery, the abolitionist movement, the Civil War, Reconstruction, lynching, and other important matters in African American history that had been omitted or distorted

This range of strategies can best be illustrated by concrete examples of suggested edits in the curricular frameworks. The examples below are from the 11th grade curricular frameworks because they are the most detailed.

The existing standards explain the causes of the Civil War with the following sentences:

> *Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.*
>
> *Sectional tensions, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states.*

The language above is passive, evasive, and circular. Below is the version with the subcommittee's suggested technical edits incorporated:

> *Cultural, economic, and constitutional differences between the North and the South, all of them based in slavery, eventually resulted in the Civil War.*
>
> *Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states.*

The sentences above are active, clear, and responsible. Throughout the standards, the subcommittee suggests altering the meaning of the frameworks by including Black people as active in their own and other's history. For example, African Americans are not mentioned in the era of American Revolution; so the subcommittee suggests they are included, with special attention given to the efforts of thousands to become free by joining with the British.

These are a few examples of hundreds of proposed technical edits (see Appendix D) which correct the record by making it more complete, concrete, balanced, and active. If teachers can include these emphases, which are fundamental to American history but take no more class time than the standards as currently written, they can make their classes better for all students.

Standards Overhaul

In addition to examining the need for technical edits, the Standards Subcommittee had a workgroup that looked more cohesively at the standards as a whole. The standards overhaul group reviewed the

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organization of Virginia standards, and recommended changes for consideration by the Virginia Board of Education. They recommend changing the way history and social studies courses order their content, and encourage educators to teach content thematically so that students can more easily make connections and apply knowledge to their modern context. The standards overhaul work continually intersected with the technical edits group, and the two groups often met together to work collaboratively toward comprehensive recommendations.

Standards Overhaul Recommendations

- Develop a curriculum framework that addresses 10 key concepts that ensure African American history is not segregated from U.S. history in general. The concepts are:
    - Freedom – The absence of necessity, coercion, or constraint in choice or action
    - Imperialism and Nationalism
        - Imperialism - The extension or imposition of power, authority, or influence by one nation over another
        - Nationalism – A sense of national consciousness exalting one nation above all others and placing primary emphasis on promotion of its culture and interests as opposed to those of other nations or supranational groups
    - Colonialism – The policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically
    - Racism and Systemic Racism – Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that racial differences produce an inherent superiority of a particular race
    - Capitalism and Economic Motivation
        - Capitalism – An economic and political system motivated by profit and characterized by private or corporate ownership of capital goods, by investments that are determined by private decision, and by prices, production, and the distribution of goods that are determined mainly by competition in a free market
        - Economic Motivation – The degree to which an individual needs or is driven to gain money, things, or experiences for which a monetary value can be calculated.
    - Citizenship – The state of being conferred with the rights, obligations, privileges, and duties of a citizen
    - Servitude and Enslavement
        - Servitude – a condition in which one lacks liberty, especially to determine one's course of action or way of life, that includes compulsory service or labor
        - Enslavement – The forced process of positioning a person as the legal property of another and forcing them to continue forever
    - Advocacy and Agency
        - Advocacy – An activity by an individual or group that aims to influence decisions within political, economic, and social systems and institutions
        - Agency – The capacity of individuals to act independently and to make their own free choices
    - Cultural Expressionism – Those who value and convey their culture through the creation and expression of their culture through art, literature, music, linguistics, folkways, customs, cuisine, architecture, and economy.
    - Invasion and Colonization
        - Colonization – Bringing into subjection or subjugation, and implies the subjugation or pacification of a people, and taking of a pre-populated land
        - Invasion – when an army or country uses force to enter and take control of another country

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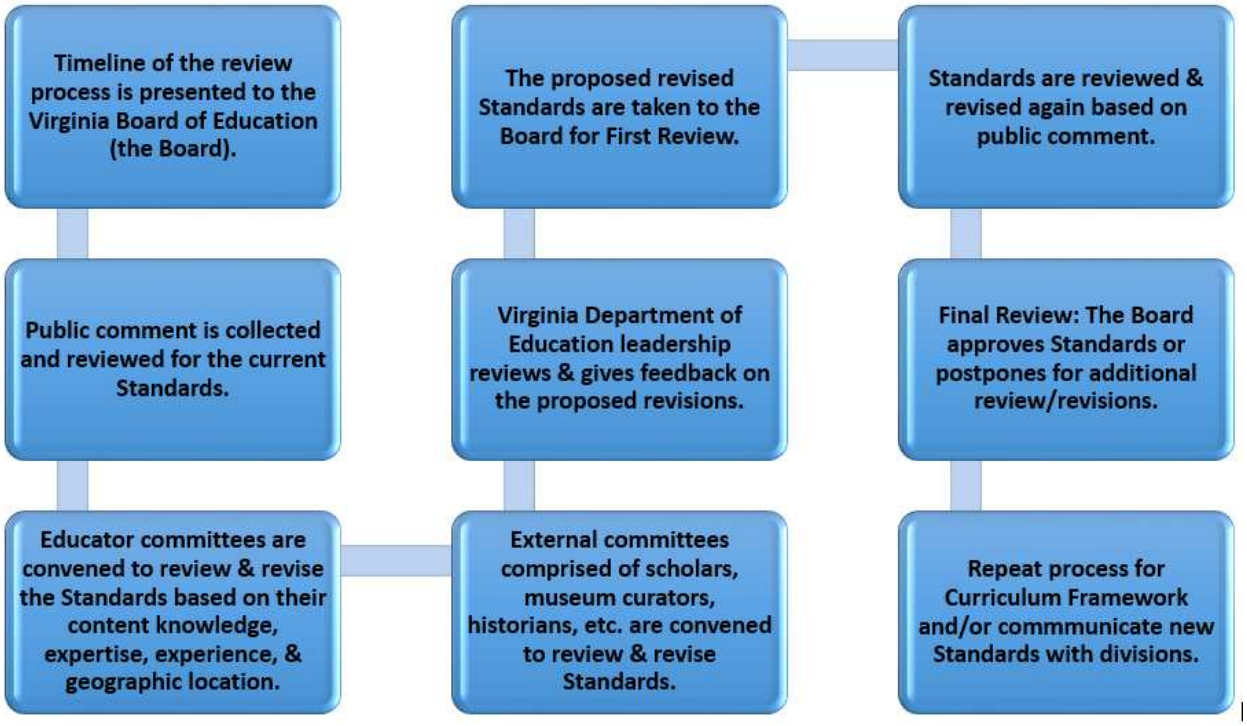
- Revise or eliminate standards that are inaccurate or out of date.
- Secure funds for professional development to equip educators to teach to the new standards after they are implemented.

Process Revision

The process revision group reviewed the method by which the standards of learning and curriculum frameworks are updated to ensure a diverse range of stakeholder input is collected throughout the process. The group recommends expanding outreach to teachers and other external groups to allow for more voices from around the Commonwealth to contribute to development of the standards. They also propose adding a steering committee to provide the opportunity for collaboration between the content experts and the practitioners. Together, these steps allow for a wide range of perspectives to be heard, create space for incorporation of pedagogical recommendations, and ensure all content incorporated into the standards is historically accurate and inclusive.

Original Process to Modify Standards

The flow chart below demonstrates the current process by which the Standards of Learning and Curriculum Frameworks are modified.



The recommendations below document the group's proposed changes to the process outlined above. These recommendations ensure the process is more inclusive by seeking out public comment and leadership from a diverse array of stakeholders.

Recommendations

- Convene a steering committee made up of historians, educators, and other individuals with content knowledge to review and revise the content recommended in the standards process.
- Provide outreach to encourage parents, students, educators, and administrators across the Commonwealth to give feedback on the proposed standards as part of the public comment process.

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- Ensure that all comments, perspectives, events are thoroughly vetted and determine next steps on how to revise inaccurate content in the standards of learning and curriculum frameworks.
- Expand the external and educator groups so that a wide range of experiences, cultural perspectives, and pedagogical preferences are represented.
- Secure funds for expanding the educator and external committees.

A flow chart documenting the Process Revision group's full recommendations can be found in Appendix F.

Conclusion

In order to truly change what and how African American history is taught in Virginia classrooms, modifications are necessary at a technical level, holistically to the set of standards spanning multiple grade levels,* and to the ways in which Virginia goes about revising the standards on a regular basis. The work and recommendations of the three Standards Subcommittee workgroups are intertwined and presented as a cohesive set of actions for policymakers to implement over time.

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IV. Professional Development Subcommittee Report

"If we are going to begin to truly right the wrongs of our four centuries of history, if we are going to turn the light of truth upon them, we have to start with ourselves. For too long, the burden has been on individuals and communities of color to lead these discussions. But if more of us have these hard conversations, and truly listen and learn from them, we'll be better able to shine that light of truth."

-Governor Northam

The Professional Development Subcommittee, chaired by Dr. Derrick Alridge, focused their recommendations on the supports necessary for educators to:

1. Successfully implement the new Standards of Learning and Curriculum Frameworks once they are revised; and
2. To equip all educators in the Commonwealth to create and sustain culturally-responsive classrooms and pedagogy.

This section of the report reflects the Subcommittee's recommendations in those two areas, as well as additional context on the current professional development landscape in Virginia.

The Need for Enhanced Professional Development in the Commonwealth

Professional Development is understood as a broad system of learning experiences that are meant to produce teacher effectiveness and improve the quality of schooling for all students. It is the intake of both formal and informal learning experiences that deepens and extends teachers' professional competence, including knowledge, beliefs, motivation, and skills.

African American history should be taught throughout the entire year and across the curriculum. This requires a deep grounding in culturally responsive pedagogy, comprehensive content knowledge that paints a more complete historical picture, and an understanding of the contemporary ramifications of the past.

A study by the National Museum of African American History and Culture (NMAAHC) notes that teachers may not teach African American history comprehensively because they lack content knowledge, confidence, time, resources, and are concerned with students' maturity levels for approaching difficult knowledge. As a result, teachers may largely ignore African American history or see it as supplementary. This often means that the history taught in our classrooms lacks complexity and does not include the Black experience as part of American history. In Virginia, teachers have been criticized for questionable activities meant to teach African American history and engage around difficult topics, such as through slave games and mock auctions. African American history is American history and cannot be separated from our collective story, but in order to teach without causing harm, educators must gain social and cultural awareness, content mastery, and discernment to teach this history in a holistic and humanizing way.

Most educators employed by the Commonwealth's local school divisions have not taken a course or received professional development on teaching African American history or on culturally responsive pedagogy. In addition, 52% of students in Virginia are young people of color, while 82% of educators employed by the Commonwealth's local school divisions are White. As a result, students of color are being educated by individuals who are not of their racial or cultural background. This issue, and our understanding of what it takes to adequately teach African American history, demonstrates a need for more robust professional development to equip the Commonwealth's largely White educator workforce to engage in culturally responsive pedagogy that facilitates deeper learning opportunities and a sense of

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belonging for their students. Additionally, it indicates a need for greater training in content knowledge, as many educators may not have the knowledge necessary to present students with a full and comprehensive representation of the African American voices that contribute to Virginia's story.

The recommendations outlined below are meant to equip public school teachers with the culturally proficient knowledge and resources to teach Virginia's diverse learners and the specific content knowledge required to teach African American history sensitively and with confidence.

Defining Key Terms

- **Anti-Racism**: Anti-racism acknowledges that racist beliefs and structures are pervasive in all aspects of our lives and requires action to dismantle those beliefs and structures. This requires that school leaders hold educators and students accountable when they say and do things that make school unsafe, and that they dismantle systems perpetuating inequitable access to opportunity and outcomes for students historically marginalized by race.[1]
- **Culturally Relevant Pedagogy**: Recognizes the importance of including students' cultural references in all aspects of learning. Culturally relevant pedagogy must encompass the following three results: (1) must yield academic success for students; (2) must help students develop positive ethnic and cultural identities while simultaneously helping them achieve academically; and (3) must support students' ability to recognize, understand, and critique current and social inequalities.[2]
- **Culturally Relevant/Responsive Teaching**: The behavioral expressions of knowledge, beliefs, and values that recognize the importance of racial and cultural diversity in learning. An approach that emphasizes using the cultural knowledge, prior experiences, frames of reference, and performance styles of ethnically diverse students to make learning encounters more relevant to and effective for them.[3]
- **Cultural Competency**: Having an awareness of one's own cultural identity and views about difference, and the ability to learn and build on the varying cultural and community norms of students and their families. It is the ability to understand the within-group differences that make each student unique, while celebrating the between-group variations that make our country a tapestry. This understanding informs and expands teaching practices in the culturally competent educator's classroom.[4]
- **Cultural Proficiency**: Recognized by environments that create opportunities for access, empowerment, and achievement by acknowledging, valuing, advocating, and empowering cultural diversity in all aspects of the educational process. This requires: (1) the acquisition of knowledge-based skills and understanding that are required to successfully teach and interact with students and to work effectively with colleagues from a variety of cultures by holding all forms of cultural difference in high esteem; (2) a continuing self-assessment of one's values, beliefs and biases grounded in cultural humility; (3) an ongoing vigilance toward the dynamics

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[1] Christina Torres and Teaching Tolerance. "All Students Need Anti-racism Education."July 30, 2020.
[2] Gloria Ladson-Billings, *The Dream Keepers* (San Francisco: Wiley Publishers, 1994)
[3] Geneva Gay, *Culturally Responsive Teaching: Theory, Research, and Practice* (New york: Teachers College Press, 2000).
[4]National Education Association."Why Cultural Competence?" Accessed on August 27, 2020. http://www.nea.org/home/39783.htm
[5] Based in part on Cultural Proficiency, A Manual for School Leaders, 2nd Ed. Lindsey, Robins, and Terrell, 2003.
4 Colorado Department of Education, "Equity Toolkit for Administrators," 2010.

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of diversity, difference and power; and (4) the expansion of knowledge of cultural practices that recognize cultural bridges as going both ways. [5]

Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

Culturally Responsive Practices in Four Critical Levels

Culturally Responsive Schools	Culturally Responsive Leadership
• Safe, inclusive, and secure environments where all students are affirmed. • Have established and evolving pathways, access, and support to rigorous college and career preparatory classes for all students. • Provide universal access to culturally relevant pedagogy that builds positive cultural identities. • Have an educational environment that is free from implicit and explicit racial/ethnic and gender biases. • Produce high student achievement rates in state accountability (the most basic outcome). • Have systems in place to mitigate racial or cultural tensions. • Have a climate in which all students and staff have a sense of membership and belonging and provide forums both inside and outside of the classroom where everyone can learn about each other's diverse backgrounds.	• Deploy resources and professional learning opportunities to advance cultural proficiency. • Evaluate cultural responsive efficacy during teaching observations and evaluations. • Establish high expectations for all students. • Mitigate power imbalances based on race, culture, ethnicity, and class. • Establish policies and procedures to advance anti-racist school culture and climate. • Ensure recruitment and retention of teachers of color and demonstrable cultural responsiveness competencies. • Establish mentoring practices for new teachers and staff in culturally responsive pedagogy and practice. • Accept cultural responsiveness as endemic to effectiveness in all areas of learning for students from all ethnic groups. • Create caring learning communities where heritages are valued.
Culturally Responsive Educators	**Culturally Responsive Pedagogy/Teaching**
• Reflect on their own cultural lens. • Model high expectations for all students.	• Is student-centered. • Identifies and nurtures students' cultural

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• Promote respect for student differences.
• Recognize and redress bias in the system.
• Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.
• Are change agents for social justice and academic equity.
• Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.
• Engage in reflection of their beliefs, behaviors and practices.
• Communicate in linguistically and culturally responsive ways.
	strengths to promote student achievement.
	• Affirms cultural and individual identity.
	• Uses cultural differences as assets necessary to inform the development of instructional resources.
	• Mediates power imbalances based on race, culture, ethnicity, and class.
	• Utilize students' culture as a vehicle for learning.
	• Establishes high expectations for all students and provides support to ensure success.
	• Diverse groups from all rings of culture are represented, validated, and affirmed.
	• Establishes a 3-pronged approach: institutional, personal, and instructional.
	  ○ **Institutional**: recognizes a need for reform of school policies and procedures based on cultural factors.
	  ○ **Personal**: requires teachers to become culturally responsive.
	  ○ **Instructional**: provides educational materials that are culturally affirming and aid in delivering culturally responsive instruction.

Culturally Responsive Schools

The culturally responsive school seeks the highest levels of achievement for all students by acknowledging, responding to, and truly integrating student, family, and community identity into all aspects of learning to foster a safe and equitable environment that recognizes the histories, struggles, achievements, and contributions of the racially marginalized populations it serves as fundamental to engaged student learning.

Culturally responsive schools address fundamental equity concerns by holding high expectations for students and providing the highest levels of support for all students to succeed. Success in a culturally responsive school is defined by preparation for college and career readiness in an environment that is supportive, is asset-conscious, and fosters positive cultural identity.

Culturally Responsive Leadership

Culturally responsive school leaders create school contexts and curriculum that responds effectively to the educational, social, political, and cultural needs of students through policy creation, expectation setting and monitoring, and staff coaching to facilitate successful implementation of culturally responsive instruction.

This leader also sets standards and expectations for high academic success regardless of perceived performance abilities. This means that the campus leader creates an inclusive school environment in which a climate free from implicit biases toward racial and ethnic groups exists. This leader also centers marginalized families and communities as important in decision making and solution-seeking. These

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leaders are courageous in challenging aspects of teaching and learning that marginalize students of color, and identify, protect, institutionalize, and celebrate all cultural practices from these students.

Culturally Responsive Educators

Culture strongly influences the attitudes, values, and behaviors that students and teachers bring to the instructional process, making culturally responsive educators necessary for the equitable achievement of today's increasingly diverse student population. Culturally responsive educators see the diversity in their classrooms as an asset and use their knowledge on students' backgrounds to enrich educational experiences. These teachers form a thorough understanding of the specific cultures of the students they teach, how that culture affects student learning behaviors, and how they can change classroom interactions and instruction to embrace the differences.

Culturally responsive educators:

- Reflect on their own cultural lens
- Model high expectations for all students
- Draw on students' culture to shape curriculum and instruction
- Promote respect for student differences
- Recognize and redress bias in the system
- Bring real-world issues into the classroom
- Communicate in linguistically and culturally responsive ways
- Collaborate with families and the local community

Culturally Responsive Pedagogy

Culturally responsive pedagogy is characterized by using the cultural characteristics, experiences, and perspectives of ethnically diverse students as conduits for teaching them more effectively.[6] It encompasses teaching practices that highlight the values, traditions, language, and histories that make each student and community unique and different from the teacher.

As the diversity in schools continues to grow, this instructional theory places an emphasis on creating a school environment in which all are affirmed for the beauty in their respective languages, beliefs, and ideas and in which students' best interest is centered.

Culturally responsive pedagogy comprises three functional dimensions: (1) institutional, (2) personal, and (3) instructional. The institutional dimension of culturally responsive pedagogy emphasizes the need for reform of the cultural factors affecting the organization of schools, school policies and procedures (including allocation of funds and resources), and community involvement. It reflects the administration, its policies, and values.[7] The personal dimension refers to the process by which teachers learn to become culturally responsive. It includes both cognitive and emotional processes. The instructional dimension refers to practices and challenges associated with implementing cultural responsiveness in the classroom. It includes materials, strategies, and activities that form the basis of

[6] Geneva Gay, *Culturally Responsive Teaching: Theory, Research, and Practice* (New york: Teachers College Press, 2000).
[7] Heraldo Richards and Ayanna Brown. *Addressing Diversity in Schools Culturally Responsive Pedagogy: Teaching Exceptional Children* (ProQuest Education Journals, 2007).

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instruction. All three dimensions significantly interact in the teaching and learning process and are critical to understanding the effectiveness of culturally responsive pedagogy.[8]

Recommendations

Legislative

- Revise Virginia's Teacher Evaluation Regulations and Virginia's Uniform Performance standards for School Leaders to include cultural proficiency efficacy.
- Require every Virginia educator to certify that they have enrolled in Cultural Competency Professional Development by 2022.
- Allocate funding and personnel resources to develop and implement comprehensive professional development in the areas of cultural competency and African American History content for Virginia educators.
- Mandate certification (Continuing Education Units) in African American History for all holders of education licenses issued by the Virginia Department of Education (this includes initial licensure and renewals).
- Amend requirements for licensure endorsements in History/Social Science to require evidence of course study in African American History.
- Require a credit in African American History as a new requirement for graduation in Virginia. *The new elective course in African American History developed by VDOE and WHRO could be used to fulfill this requirement.*

General

- Broaden the teaching pipeline to seek out and train diverse teachers.
- Incentivize universities and colleges to offer courses and professional development on Black history, teaching Black history, and cultural competency for teachers. Courses and professional development should be for secondary and elementary teachers and librarians.
- Encourage universities and colleges in Virginia to offer certificates in African American history and/or African American Studies for teachers and prospective teachers.
- Enhance Virginia's School Climate Survey to include evaluation of Culturally Responsive School Climate and report these outcomes on Virginia's School Quality Profiles.
- Establish common language between education preparation programs and school divisions that promote equity and inclusivity.
- Develop models for training about implicit bias and culturally-responsive pedagogy.
- Make family and community engagement a guiding principle in teacher preparation.
- Create a database of resources for educators.
- Ensure that training components include K-8 educators.
- Provide content in multiple modes to improve teacher access.
- Evaluate what teaching resources and textbooks need to be retired.
- Partner with historical and cultural organizations versed in culturally-responsive pedagogy and African American history.
- Develop a model anti-racism educator policy approved by the Virginia Board of Education.
- School Divisions review inclusion of Culturally Responsive Teaching and Culturally Responsive Practices as part of division strategic plans.

[8] Heraldo Richards and Ayanna Brown. *Addressing Diversity in Schools: Culturally Responsive Pedagogy: Teaching Exceptional Children* (Springer, 2017).

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- School boards include culturally responsive awareness as part of the school board's professional development and training.
- Develop guidelines for Culturally Responsive Teaching and Culturally Responsive Practice in Virginia. These guidelines should be informed by the profiles developed by the Commission and developed in consultation with a list of experts and researchers recommended by the Subcommittee in Appendix F.
- Establish minimum criteria for state approved professional development in the following areas:
    - Culturally Relevant Teaching: Acquisition of curriculum and pedagogical knowledge
    - Cultural Proficiency: Mastery of knowledge
    - Culturally Responsive Teaching: Application of knowledge
    - Anti-Racist Education: Strategies
    - African American History: Content and Pedagogy

Considerations for Implementation

- Include family and community engagement through an equity lens in teacher preparation curriculum.
- Ensure educators have access to multiple delivery systems in order to provide equitable access to professional development opportunities.
- Prioritize deployment of cultural competency professional development to divisions demonstrating the highest needs based on student outcome data (i.e. rates of discipline disproportionality, teachers' diversity, academic achievement gaps, and graduation disparities - including diploma types).

Conclusion

Culturally-responsive pedagogy and curricula are needed more now than ever. Students in Virginia and across the country are interested in learning about African American history in order to better understand the history of the United States. Many teachers are eager to gain robust and accurate content knowledge in Black history in order to more effectively teach both Black history and U.S. history. If implemented comprehensively, these recommendations will ultimately equip educators to provide all students in the Commonwealth with opportunities to learn in ways that are relevant to their lived experiences and create cultures of inclusivity and belonging in Virginia schools.

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V. Conclusion

Over the course of the last year, the African American History Education Commission established a clear, bold vision for improving African American history education and fostering culturally responsive classrooms throughout the Commonwealth. Accomplishing this vision will require changing Virignia's history and social studies standards, both in the short and long term; improving how those standards are regularly revised, making significant investments in professional development for teachers, and sustaining resources and supports for culturally responsive classrooms.

The Commission is issuing this report within the context of dramatic social upheaval. Our nation is in the throes of an unprecedented pandemic that is disproportionately impacting Black and Latino communities and illuminating devastating racial health disparities in our country. Additionally, the murder of George Floyd has catalyzed robust conversations about police brutality and racism in our society. Citizens all over the country have protested and called upon governments and leaders to take bold action against police brutality and other forms of structural racism in our communities. These events and public discourse clearly reinforce the dire need for all Virginians, and all Americans, to better and more deeply understand America's difficult and complex racial history, its racists footings, and the continuous influence that history has on our society today.

It is now incumbent upon policy makers to implement these recommendations, prioritize the investment, and take bold action to ensure all students graduate from Virginia's public schools with a deep, thorough, and accurate understanding of African American history in the Commonwealth and our nation. The Commission calls on the Executive Branch, the General Assembly, the Board of Education, local school divisions, and institutions of higher education to drive these changes at every level. These changes are critical for Virginia's students and we must act now to build an education system that confronts these realities and equips students to lead Virginia and the nation into a more just and inclusive era.

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VI. Appendices

Appendix A: Commission Roster and Subcommittee Membership

Standards Subcommittee

*Chaired by **Dr. Cassandra Newby-Alexander**, Dean of the College of Liberal Arts and Professor of History, Norfolk State University.*

*Supported by **Dr. Christine Harris**, VDOE Director of Humanities; **Christonya Brown**, VDOE History and Social Science Coordinator; **Holly Coy**, VDOE Assistant Superintendent of Policy, Equity, and Communications; **Tori Noles**, Policy Advisor to the Secretary of Education; **Aurelio M. Montemayor**, IDRA Family Engagement Coordinator; **Morgan Craven**, IDRA National Director of Policy, Advocacy and Community Engagement; and **Terrence Wilson**, IDRA Regional Policy and Community Engagement Director.*

Technical Edits Workgroup
Dr. Edward Ayers, Professor of the Humanities, University of Richmond
Crystal DeLong, Teacher, Liberty High School, Bedford County Public Schools
Dr. Patricia H. Fisher, Immediate Past Superintendent (Interim), Portsmouth Public Schools (Ret.) and Educational Consultant
Dr. Dietra Trent, Chief of Staff, George Mason University
Dr. Robert C. Watson, Assistant Professor of History, Hampton University

Standards Process Workgroup
Dr. James Lane, Virginia Superintendent of Public Instruction
Cainan Townsend, Director of Education, Robert Russa Moton Museum
Renita S. Williams, Retired Secondary Social Studies Instructional Supervisor, Newport News Public Schools

Standards Overhaul Workgroup
Beau Dickenson, President, Virginia Social Studies Leaders Consortium and Social Studies Supervisor, Rockingham County Public Schools
Dr. John Lee, Professor, North Carolina State University
Makya Reneé Little, Parent Advocate and Florida A&M University Alumna
Dr. Monica Manns, Director of Equity and Diversity, Henrico County Public Schools
Dr. Cassandra Newby-Alexander, Dean of the College of Liberal Arts and Professor of History, Norfolk State University
Chris Van Tassell, Program Coordinator and Educator, Virginia Museum of History & Culture

Other
Dr. Rosa Atkins, Superintendent, Charlottesville City Schools
Basil Marin, Assistant Principal, DeKalb County Schools
Tyrone Nelson, Chairman, Henrico County Board of Supervisors and Pastor, Sixth Mount Zion Baptist Church of Richmond

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Professional Development Subcommittee

*Chaired by **Dr. Derrick Alridge**, Professor of Education and Director of the Center for Race and Public Education in the South, Curry School of Education and Human Development, University of Virginia*

*Supported by **Leah Dozier Walker,** VDOE Director of Equity and Community Engagement; **Jenne Nurse**, VDOE Equity Coordinator; **Dr. Paula Johnson**, Director of IDRA Equity Assistance Center – South; and **Hector Bojorquez**, Director of Operations, IDRA*

Jarvis Bailey, High School Administrator, Westmoreland County Public Schools and School Board Member, Fredericksburg City
Maria Burgos, Supervisor of Global Learning and Culturally Responsive Instruction, Prince William County Public Schools
Christy S. Coleman, Executive Director, Jamestown-Yorktown Foundation
Dr. Robert Nelson Corley III, Associate Vice-Provost for Academic Affairs and Project Director, The Wallace Foundation's University Principal Preparation Initiative, Virginia State University
Pamela Croom, President-Elect, Virginia PTA
Dr. Andrew P. Daire, Dean of the School of Education, Virginia Commonwealth University
Dr. Crystal M. Edwards, Superintendent, Lynchburg City Schools
Dr. Annie Marie Evans, Director of Education and Outreach–New American History, University of Richmond
Atif Qarni, Secretary of Education, Commonwealth of Virginia
Gloria Randolph-King, Retired Roanoke City Public Schools Administrator
Dr. Alice Reilly, Educator, George Mason University
Dr. Vanessa D. Thaxton-Ward of Hampton, Director, Hampton University Museum
Michelle Campbell Thomas, Founder and CEO, Loudoun Freedom Center and President, NAACP Loudoun Branch
Betty Jean Wolfe, President, Evaluative Design Inc
Dr. William White, Visiting Distinguished Scholar, Christopher Newport University
Jonathan Zur, President and CEO, Virginia Center for Inclusive Communities

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Virginia Commission on African American History Education in the Commonwealth

Inaugural Meeting Agenda

October 28, 2019 10am – 3pm

University of Virginia – Newcomb Hall South Meeting Room

I. Welcome **10am**
- Atif Qarni, Secretary of Education of the Commonwealth

II. Group Introductions **10:15am**

III. Commission Charge, Roles and Responsibilities **10:45am**
- Atif Qarni, Secretary of Education
- Dr. Derrick Alridge, Director, Center for Race and Public Education in the South, University of Virginia
- Dr. Cassandra Newby-Alexander, Dean, Norfolk State University, College of Liberal Arts
- Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools
- Dr. Paula Johnson, Director of IDRA Equity Assistance Center, South

IV. Virginia's History Standards **11:15am**
- Dr. Christine Harris, Director, Office of Humanities, Virginia Department of Education
- Christonya Brown, History & Social Science Education Coordinator, Virginia Department of Education

Lunch for Commission Members

V. Greetings from Governor Ralph Northam **12:30pm**
Greetings from UVA President, Jim Ryan

VI. A Vision for Redesigned Professional Development **1pm**
- Dr. Derrick Alridge, Director, Center for Race and Public Education in the South, University of Virginia
- Leah Walker, Director, Office of Equity and Community Engagement, Virginia Department of Education

VII. Subcommittee Discussion **1:45pm**

VIII. Full Committee Discussion **2:15pm**

IX. Public Comment **2:30pm**

Individuals may sign up for public comment at the meeting, and will be provided opportunity to speak in the order of the sign-up sheet. Public comments are limited to 2 minutes per person.

X. Closing and Next Steps **3pm**
- Atif Qarni, Secretary of Education

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

December 16, 2019 from 10am – 3pm
Robert Russa Moton Museum
900 Griffin Blvd, Farmville, VA 23901

I. Welcome and Introductions **10am**

- Holly Coy, Deputy Secretary of Education
- Cameron Patterson, Managing Director, Moton Museum
- Dr. Larissa Smith, Provost and Vice President for Academic Affairs, Longwood University

II. Where are we Headed? **10:15 – 11am**

- Holly Coy, Deputy Secretary of Education
- Maxine Roberts, Principal, Education Commission of the States

III. From Standards to the Classroom- A Panel Discussion **11am**

- Moderator: *Dr. Rosa Atkins*, Superintendent, Charlottesville City Public Schools
- Panelists: *Renita Williams*, Secondary Social Studies Instructional Supervisor, Newport News Public Schools
  Beau Dickerson, Social Studies Supervisor, Rockingham County Public Schools
  Crystal DeLong, Teacher, Liberty High School, Bedford County Public Schools

IV. Working Lunch: Professional Development Landscape in Virginia **12:15pm**

- Dr. James Lane, State Superintendent of Public Instruction

V. Subcommittee Discussions **1pm**

i. Professional Development Subcommittee

ii. The Standards subcommittee will break into 3 smaller groups to focus on: Technical Edits, Comprehensive Overhaul, and Process Redesign

VI. Full Committee Report Out **2:30pm**

- Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools

VII. Public Comment **2:45pm**

Individuals may sign up for public comment at the meeting, and will be provided opportunity to speak in the order of the sign-up sheet. Public comments are limited to 2 minutes per person.

VIII. Closing and Next Steps **3pm**

i. Atif Qarni, Secretary of Education of the Commonwealth of Virginia

AMERICAN OVERSIGHT

Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

February 18, 2020 from 10am – 3pm
Living Learning Center, Virginia Union University
1500 N Lombardy St, Richmond, VA 23220

I. Welcome and Introductions **10am**
- Atif Qarni, Secretary of Education
- Dr. Allia Carter, Executive Vice President & Chief Operating Officer, Virginia Union University

II. Black History 365 Days a Year **10:20am**
- Dr. Lane, Superintendent, Department of Education
- Local Perspective on Implementation

III. Virginia's New African American History Elective Course **10:40am**
- Meagan Taylor-Booth, Director of Digital Learning, WHRO
- Mitzi Fehl-Seward, Vice President of Digital Learning, WHRO

IV. Subcommittee Discussions **11– 12:30**

V. Working Lunch: Student Perspectives Panel **12:45pm**
i. Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools
ii. Richmond City Public School Students
iii. Henrico County Public School Students
iv. Virginia Union University Students

VI. Full Committee Discussions **1:45pm**
- Dr. Rosa Atkins, Superintendent, Charlottesville City Public Schools

VII. Public Comment **2:30pm**
Individuals may sign up for public comment at the meeting, and will be provided opportunity to speak in the order of the sign-up sheet. Public comments are limited to 2 minutes per person.

VIII. Closing and Next Steps **3pm**
i. Atif Qarni, Secretary of Education

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Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

June 15, 2020 10am – 12pm
Virtual Zoom Meeting

I. Welcome & Timeline Update **10:00am**
- Atif Qarni, Secretary of Education of the Commonwealth

II. Remarks **10:15am**
- Governor Ralph Northam
- Dr. Janice Underwood, Chief Diversity Officer

III. African American History Course Update **10:45am**
- Christonya Brown, History & Social Science Education Coordinator, Virginia Department of Education

IV. Review Draft Report by Subcommittee **11:00am**
i. Enter Zoom breakout rooms

V. Closing & Next Steps **12pm**
i. Atif Qarni, Secretary of Education

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Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

July 20, 2020 10am – 12pm
Virtual Zoom Meeting

VI. Welcome & Timeline Update **10:00am**
- Atif Qarni, Secretary of Education

VII. Agenda Overview & Logistics **10:10am**
- Leah Walker, Director of Equity and Community Engagement, VDOE

VIII. Standards Subcommittee Recommendations **10:15am**
- Dr. Cassandra Newby-Alexander, Commission Co-Chair
- *20 minute presentation, 15 minutes of Q&A*

IX. Professional Development Subcommittee Recommendations **10:50am**
i. Dr. Derrick Alridge, Commission Co-Chair
ii. 20 minute presentation, 15 minutes of Q&A

X. Public Comment **11:25am**
i. If you would like to provide public comment, please raise your hand at this time. When it is your turn, you will be promoted to a panelist and may offer your comments to the Commission.

XI. Closing & Next Steps **11:45am**
i. Atif Qarni, Secretary of Education

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Virginia Commission on African American History Education in the Commonwealth

Meeting Agenda

August 24th, 2020 10am – 11am
Virtual Zoom Meeting

I. Welcome **10:00am**
- Atif Qarni, Secretary of Education

II. Agenda Overview & Logistics **10:05am**
- Leah Walker, Director of Equity and Community Engagement, VDOE

III. Report Structure & Guidance for Presentation to the Governor **10:15am**
- Tori Noles, Policy Advisor to the Secretary of Education

IV. Subcommittee Breakout Groups **10:20am**
i. *Discuss/propose any necessary edits to your subcommittee's written report section*
ii. *Prepare for presentation to the Governor on August 31st.*

V. Public Comment **10:45am**
i. *If you would like to provide public comment, please raise your hand at this time. When it is your turn, you will be promoted to a panelist and may offer your comments to the Commission.*

VI. Closing & Next Steps **10:55am**
i. Atif Qarni, Secretary of Education

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Virginia Commission on African American History Education in the Commonwealth

Final Meeting Agenda

August 31st, 2020 10am – 11am
Virtual Zoom Meeting

XI. Welcome & Introduction of the Governor **10:00am**
- Atif Qarni, Secretary of Education
- Myles Hunt, Student Representative to the Portsmouth City School Board

XII. Opening Remarks **10:02am**
- 73rd Governor of Virginia Dr. Ralph S. Northam

XIII. The Importance of Getting This Right **10:05am**
- Dr. Rosa Atkins, Superintendent, Charlottesville City Schools
- Crystal DeLong, Teacher, Liberty High School, Bedford County Public Schools
- Myles Hunt, Student Representative to the Portsmouth City School Board
- Makya Little, Parent Advocate and Florida A&M University Alumna

XIV. Standards Recommendations **10:15am**
- Standards Overhaul - Dr. Cassandra Newby-Alexander, Dean of the College of Liberal Arts and Professor of History, Norfolk State University
- Technical Edits - Dr. Edward Ayers, Professor of the Humanities and President Emeritus, University of Richmond
- Process Revision - Dr. Christine Harris, Director of Humanities, VDOE; and Christonya Brown, History and Social Science Coordinator, VDOE

XV. Professional Development Recommendations **10:35am**
- Dr. Derrick Alridge, Professor of Education and Director of the Center for Race and Public Education in the South, Curry School of Education and Human Development, University of Virginia
- Leah Walker, Director of Equity and Community Engagement, VDOE

XVI. Q&A with the Press **10:55am**
- 73rd Governor of Virginia Dr. Ralph S. Northam

At this time, the Governor will take questions from the press. Reporters, please submit your questions via Zoom chat to Tori Noles. Please be advised that the Governor must leave promptly by 11am, so he will be unable to respond to every question submitted.

XVII. Closing & Thanks **11:00am**
- Atif Qarni, Secretary of Education

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Listening Sessions Executive Summary

As part of the Commission's purpose and process, the Commission conducted three public listening sessions to gain information and perspectives from a wide variety of educational stakeholders from panels of parents and community advocates, educators and students who graduated from Virginia's public schools. The end of each session was open to the public for comment, and those who were unwilling or unable to deliver their comments directly to the Commission were invited to submit them in writing online.

Public listening sessions dates:

- February 11, 2020: Harrison Museum of African American Culture
- February 12, 2020: Black History Museum and Cultural Center of Virginia
- March 11, 2020: Norfolk State University

Panel Discussions

Many of the same questions were asked to all three panels to allow them to share their unique perspectives on African American history education in Virginia. Questions included the following.

How have you personally been affected by how African American history is taught?

- **Educator Panel:** The lack of nuance or deep content in African American history left their students feeling disconnected and uninterested in learning history. The focus on slavery lent a "sense of shame" to African Americans that intensified student disengagement.
- **Parent and Community Stakeholder Panel:** Panelists' own experiences learning African American history happened outside of the classroom because it was not really taught to them. One of the parents spoke of making special efforts to teach her children and grandchildren African American history to give them a sense of self that they could not get from history education at school.
- **Student Panel:** The students agreed that they learned very little about African American history beyond a few historical figures and the topics of slavery, the Black renaissance, and the civil rights movement. It led to a definite disconnect from history and their peers.

What considerations should be made to change the way African American history is taught?

- **Educator Panel:** History should come alive to students and show multiple perspectives.
- **Parent and Community Stakeholder Panel:** History content should be multicultural and touch on local history to make it more relevant to all students. African American history should not begin with slavery but by exploring African cultures and how their traditions have impacted the United States. Historical figures should be drawn from a variety of fields to show the vast scope of African American excellence.
- **Student Panel:** Teachers should be prepared with the knowledge and skills to teach and facilitate conversation on the nuanced, complex story of African American contributions to U.S. history. African American history should not only focus on slavery but provide a fuller, more inclusive narrative.

How can we make sure that teachers are adequately prepared to teach African American history?

- **Educator Panel:** Attract more African American teachers to the field. The current demographics of teachers require intensive professional development and work to overcome implicit biases to give the full picture of African American history. They should have strong content knowledge in African American history. Additionally, the emphasis on high-stakes testing should be lessened to allow teachers the ability to focus on engaging their students with historical content.
- **Parent and Community Stakeholder Panel:** More teachers of color should be recruited, and education programs should be reformed at the university level to increase cultural competency. Existing teachers should receive professional development with lessons learned from educators who already show great competence in African American history.

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- **Student Panel:** Ensure that all teachers are credentialed for African American history and reiterate that the only way to honestly address U.S. history is to discuss the darker, violent aspects. They need to be sure they are emotionally prepared and have the strategies to discuss these difficult topics with their students.

What can be done to improve African American history education?

- **Educator Panel:** This panel received more pointed questions about educators, but the overall theme of how the educator workforce could be better prepared to engage their students with African American history hinged on recruiting more African American teachers at all grade levels. Additionally, the commonwealth of Virginia should reconsider how history is taught to allow for more student collaboration and engagement.
- **Parent and Community Stakeholder Panel:** African American historical content should be taught at all grade levels and community aspects of African American history, positive and negative, should be addressed so all students feel connected to history.
- **Student Panel:** Diversification is important. Students learn in different ways, so history education should be well-rounded. It should also not only focus on the past, but the present and implications for the future. History has depth, and students should feel its importance in everything that they do as they learn and grow as individuals.

Public Comment

Each listening session set aside time for public comments. Speakers were given three minutes to speak and their thoughtful comments often sparked conversation among the Commission and panel members present. Important points touched upon by one or multiple members of the public included the following.

- Virginia must remove the barriers that keep qualified African American teachers out of the classroom and address implicit biases to allow for white teachers currently in the classroom to be comfortable having difficult discussions about history.
- Historical content should be factual and no longer omit important details about the contributions of African Americans in building the United States. Historical content should be a major focus in school and reverse the course of increasing other disciplines in the name of improving test scores.
- African American history in the classroom should begin with African American historical and cultural influences worldwide, not with slavery. Any discussion of slavery in the classroom should not center on economics; educators must be prepared for the difficult conversations that come with addressing the horrors of slavery.
- Students should be encouraged to reach out to their communities to learn about how national history intersects with local and cultural history.
- Part of the discussion of African American history should explore why it has not been taught so that students and teachers can actively situate it in United States and world history. Making African American history an elective will not solve the issue; it must be taught as part of regular historical curriculum using a multidisciplinary approach.

Panel Attendees

Educator Panel (February 11, 2020): Dave Dickinson, Judy Diggs, Jeff Girvan, Adam Gray, Derek Hairston, Chris Ingle, Sharon Jennings, Andrea Johnson, Sonnya Preston

Parent and Community Stakeholder Panel (February 12, 2020): Elvatrice Belsches, Chantel Brown, Zyhana Bryant, Joshua Cole, Toria Edmunds-Howell, Pat Foster, Jer'Mykeal McCoy, Sean Miller, Kimberly Morris, Sonji Rollins-Tucker, Bill Wooldridge

Student Panel (March 11, 2020): Faith Handling, Julate Hillman, Myles Hunt, Bryce Marchetti, Jaylen Riddick, Harrington Smith, Charity Warren

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Public Commenters

Note: At times, it was difficult for the transcription to make out names when members of the public introduced themselves, and some elected not to do so.

Judy Ayyildiz, Jordan Bell, Wendy Howard Cooper, Jemima Davis, Peggy Davis, Colleen Eddy, Brian Edwards, Charlotte Hayer, Naila Holmes, Ma'asehyahu Isra-Ul, Brother Kim, Julie Markovitz, Ingrid Mendoza, BrendaMuse, Oludare Ogunnde, Lisa Pemix, Tanya Pruett, Rebecca Smith, Andre Tucker, Sam Taylor, Amanda Wright, Toni Wright

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Listening Session Meeting Minutes, February 11, 2020

Harrison Museum of African American Culture
One Market Square Southeast, No. 2., Roanoke, Virginia

Attendees

Present Commission Members: Gloria Randolph-King, Crystal M. Edwards, Betty Jean Wolfe, Atif Qarni **Virginia**

Department of Education/Secretary of Education Staff: Leah Walker, Tori Noles, Jenné Nurse **Additional**

Speakers: Anita James Price

Educator Panel: Dave Dickinson, Judy Diggs, Jeff Girvan, Adam Gray, Derek Hairston, Chris Ingle,Sharon Jennings, Andrea Johnson, Sonnya Preston

Public Comments: Judy Ayyildiz, Jordan Bell, Peggy Davis, Brian Edwards, Julie Markovitz, Brenda Muse, Lisa Pemix, Rebecca Smith, Andre Tucker, Amanda Wright

Welcome and Overview

Anita James Price welcomed the Commission and public attendees on behalf of the Harrison Museum of African American Culture. Gloria Randolph-King then welcomed everyone on behalf of Governor Ralph Northam and the entire Commission.

Virginia's Secretary of Education, Atif Qarni, briefly explained the Commission's duty to look at the state's history standards and find ways to make them more inclusive of African American history in its proper place as part of U.S. history. He also spoke to the duty of education stakeholders to embrace cultural diversity and revisit how they are teaching history and asking students to demonstrate what they learn – moving from answering multiple choice questions to making complex connections between important modern and historical figures.

Leah Walker, the Virginia Department of Education's Director of Equity and Community Engagement, gave a broader overview of the Commission's structure and charge. They are charged with evaluating the current educational landscape of Virginia's African American history and making key recommendations for improvement. The Commission is not charged with making changes directly but to highlight the best possible recommendations to provide a comprehensive vision for policymakers.

It is made up of two committees. The *professional development committee* will address how to recruit and help teachers provide culturally-competent and accurate African American history. The *standards committee* is divided into three subcommittees that will recommend necessary technical edits to be made to the current standards, recommendations on standards reform, and how to improve the process of standards revision itself.

The purpose of the listening sessions is to gain information and perspectives from a wide variety of education stakeholders to be shared with the full Commission. Speaking at the listening sessions is not the only way for the public to comment, individuals may also submit written remarks on the AAHEC website.

Educator Panel

Gloria Randolph-King moderated the panel discussion. Panel members included:

- Dave Dickinson, social studies supervisor, Montgomery County
- Judy Diggs, Director of Equity, Montgomery County Schools
- Jeff Girvan, supervisor of history and social science from Prince William County
- Adam Gray, teacher, Forest Park Academy, Roanoke County Public Schools
- Derek Hairston, teacher at Christiansburg High School, Montgomery County
- Chris Ingle, history, social studies, and government teacher, William Fleming High School

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- Sharon Jennings, special education teacher from Salem High School, Salem City Schools
- Andrea Johnson, 12th grade English teacher and department chair at Salem High School, Salem City Schools
- Sonnya Preston, business and information technology teacher from Salem City Schools

The panel consisted of key questions to prompt discussion about the unique experiences and challenges educators have faced in Virginia's public schools as they relate to African American history.

How have you been personally affected by the way African American history is taught?

- Mr. Dickinson observed that he saw firsthand how the history he taught was uninteresting to his students because it was not relevant to them. Ms. Diggs added that there was an element of shame when it came to learning African American history because it was all about slavery. Ms. Preston was drastically impacted by the teaching of African American history as the only African American in her classes, where she felt like her people were being described as savages or criminals. It is important for students to know that African American history started before slavery.

What do you think must be considered with the changes we are trying to make to Virginia's history standards and the way it is taught?

- Mr. Girvan suggested that history should not be relegated to facts and dates but should come alive for students and open up to multiple perspectives. There are numerous ways to look at history and these unique perspectives are relevant to current events.

What would you identify as the biggest challenge for preparing teachers to teach African American history?

- Ms. Preston stressed the fact that teachers need to have strong content knowledge and cultural awareness of African American history, which will require changing the historical narrative.
- Ms. Johnson identified the importance of in-depth professional development, especially considering that most teachers are white women. Mr. Hairston agreed and added that students also should be encouraged to read and use primary sources.
- Ms. Diggs identified the need for teachers to be culturally competent as a challenge to overcome and the need for constantly reflection of their own cultures and internal biases and how they impact their work in the classroom.
- Mr. Ingle suggested lessening the focus on high-stakes Standards of Learning (SOL) testing, because teaching for the test constrains the content a teacher can use and how they can teach.

Identify current teaching strategies that are being used or could be improved upon.

- Mr. Ingle suggested project-based learning, community activities and interdisciplinary teaching. Mr. Gray highlighted the fact that the way history is taught needs to change. In his own classroom, he teaches history regionally, not chronologically. Education departments in colleges and universities need to prepare teachers to be able to handle multicultural, diverse classrooms.

What can be done to help teachers develop their ability to deliver and make students aware of African American history?

- Mr. Dickenson mentioned that there is a VDOE African American history elective being developed in Virginia and that other states' responses have ranged from electives to required courses.
- Ms. Preston stressed the importance of recruiting and retaining African American teachers, especially at the elementary level so that, from the start of their educational journey, African American students feel represented and have a teacher they can feel comfortable approaching.

What kinds of supports would white teachers need to teach African American history?

- Ms. Jennings stressed equity as a major component of helping white teachers gain the capacity to properly teach African American history and engage with all their students. Mr. Girvan added that white teachers may find the content of African American history uncomfortable and so may go past it quickly or explain it poorly.

How can the Commission help provide services for teachers?

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- Ms. Preston suggested pointing out resources and African American history experts to provide advice and be invited to speak directly to their classes on important topics.

How will staff and educators react to implementation of African American history content?

- Mr. Dickinson drew from his own experience that most will treat it positively, but that there are always holdouts resistant to change. Mr. Ingle added that, as long as history departments receive proper support, they will welcome the changes.
- Mr. Girvan emphasized that the content is not the only major change that is necessary. The way history is taught and learned needs to move away from strict memorization, or students will just be memorizing different material rather than engaging with it. The richness of historical content should be interdisciplinary.

For educators, to what extent are the shortcomings of African American history associated with shortcomings in the demographics of the educator workforce? How has a predominately white teacher workforce impacted Virginia's schools?

- Ms. Jennings highlighted her own experience as one of two African Americans at her high school and reiterated that districts need to take the first step and go to HBCUs to recruit more African American teachers. They should find people whose experiences and skills can help them really connect with their students.
- Regarding the current demographic impact, Mr. Gray noted that the lack of African American teachers on staff at his own school, which is primarily attended by African American students, is apparent but that all teachers need to be better equipped to engage all of their students and know the unique ways students learn now.
- Ms. Preston takes advantage of the fact that she may be the first African American teachers her students have had and tries to work in African American history into conversations she has with her students. She tries to take every opportunity to lift up her African American students and broaden their knowledge.

How do you feel about the Commission's task to revise the SOLs?

- Mr. Dickinson responded that it is a challenging task, especially because education still needs to be in line with standardized testing. Mr. Girvan agreed and added that the Commission's work should not only result in an elective course. Ms. Jennings emphasized that the class should be part of a history requirement so that it can thrive, and students can benefit from African American history content.

Ms. Walked provided closing comments to the listening session thanking the panel for their insights and comments and clarified that the African American history elective will be fully online and marks just a starting point to improve African American history in Virginia.

Public Comment

The public comments section included attendees submitting their comments by number, with three minutes to speak. Comments also were welcomed to be submitted online in their entirety. Briefly, the recorded comments included the following.

- The first person to speak, Andre Tucker, commented on the Commission's task to revise and improve African American history in Virginia. He said that the state itself must address the barriers to keep African American history graduates like himself out of the classroom. He stated that many teachers of color are receiving misinformation about Praxis types and scores or are simply not passing the test. Competent African American history teachers should not be kept from the occupation simply because of a bad test or a lack of information how to take their next steps.

- Brenda Muse, Director of Instruction for the Franklin County Public School System, began her comments by informing the Commission that Franklin County Public Schools provides all teachers with cultural competency and responsiveness training. Improving on history in the classrooms means telling stories and connecting them to the stories and issues that students face today. Students need to know how Black Americans helped build this country.

- Judy Ayyildiz commented that, in her time as a teacher, she learned that you cannot teach history in a vacuum, and that history content needs to stop promoting lies or mistruths about the treatment of African Americans and excluding their many contributions.

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- Julie Markovitz thanked the Commission for their work as a white woman and mother of three Black students. She emphasized a need for professional development for white women and teachers about how to talk about race and African American history to reduce the desire to avoid the topic.
- The next speaker was a school counselor whose experiences in other states gave unique insight into Virginia's demographics and education. Educators will need to start from scratch in the sense of fully grasping the importance of African American history and the ramifications of honestly teaching it to students.
- Rebecca Smith, an elementary school principal from Pulaski, Virginia, noted that much of Virginia's African American history is hidden and not discussed in the classroom. This must change because African American history is U.S. history.
- Amanda Wright, an academic coach in Salem, suggested that the state begin to move away from standardized testing and toward portfolio assessments to get a better idea of student learning.
- Jordan Bell, who works with the afterschool Boys and Girls Club associated with Garden City Elementary in Roanoke, stressed that when speaking about African American history, you should begin with historical and cultural influences worldwide, not with slavery. She implemented a local curriculum with her students by going out and getting stories from the community, which has positively impacted their learning.
- Anita James-Price bookended Jordan Bell's comment by emphasizing that history should not only be relevant, but people should be aware of how it impacts every facet of our lives. She touched on historical figures and landmarks relevant to African American history in Roanoke.
- Lisa Pemix, parent and former teacher, shared her experiences with thematic learning and how it can serve as a framing device to connect history and other disciplines.
- Peggy Davis invited attendees to visit the Botetourt County History Museum, especially because it can provide helpful content for teachers to incorporate African American history into their lessons.
- Brian Edwards emphasized that African American history should not start off with slavery. There is much more content that must be shared.
- Melissa May, admissions directory for a community high school, shared her frustrations with trying to publicize events related to Martin Luther King, Jr. Day and the importance of listening to voices that have traditionally been unheard.
- The final public speaker thanked the Commission for their work and shared their personal history. They have a unique perspective, being from Kenya, and have found that African American history in the United States has been kept from African Americans.

Ms. Price concluded by thanking all attendees and reminding people that there will be other listening sessions and more opportunities for people to provide recommendations to inform the Commission's work.

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Listening Session Meeting Minutes, February 12, 2020

Black History Museum and Cultural Center of Virginia
122 West Leigh Street, Richmond, Virginia

Attendees

Present Commission Members: Derrick Alridge, James F. Lane, Atif Qarni, Annie Evans, Pamela Croom, Chris Van Tassell, Cainan Townsend, Edward Ayers, Jonathan Zur, Makya Little, Robert N. Corley III

Virginia Department of Education/Secretary of Education Staff: Leah Walker, Tori Noles, Jenné Nurse, Kenita Bowers

Additional Speakers: Adele Johnson

Parent and Community Stakeholder Panel: Elvatrice Belsches, Chantel Brown, Zyahna Bryant, Joshua Cole, Toria Edmunds-Howell, Pat Foster, Jer'Mykeal McCoy, Sean Miller, Kimberly Morris, Sonji Rollins-Tucker, Bill Wooldridge

Public Comments: Wendy Howard Cooper, Jemima Davis, Colleen Eddy, Charlotte Hayer, Naila Holmes, Ma'asehyahu Isra-Ul, Ingrid Mendoza, Oludare Ogunnde, Tanya Pruett, Sam Taylor

Welcome and Overview

Adele Johnson, executive director of the Black History and Cultural Center of Virginia, welcomed attendees to the listening session on behalf of the center. Their job at the museum is to share stories that inspire and tell the untold narratives of African American history in Virginia. She invited the public to visit the Monticello exhibit currently showcased that tells its story from the point of view of the enslaved.

Dr. Derrick Alridge, co-chair of the African American History Education Commission and Director for the Center for Race and Public Education in the South at the University of Virginia, served a moderator for the panel discussion. He thanked attendees on behalf of the Commission and commented on the significance of starting the public listening sessions during Black History Month and at important sites like the Black History and Cultural Center of Virginia.

Dr. James Lane, Virginia's 25th Superintendent of Public Instruction, explained that Governor Ralph Northam established the Commission to ensure that Virginia's untold story of African American history is brought to the forefront and taught to its students. As part of its work to improve education, the Department of Education welcomes public feedback to know how it can do a better job of altering standards and changing content to be moreaccurate and equitable.

Secretary of Education Atif Qarni brought greetings from the governor and spoke of the Commission's task as an opportunity for Virginia to reimagine and rethink the way that it presents and teaches history. His own work in education across the state has highlighted in the inequities inherent in the present system. Even though the Commission is made up of experts in history, equity and education, the listening sessions are a vital component that enables them to receive feedback and advice from educational stakeholders who are directly impacted by the standards.

Leah Walker provided a brief overview of the Commission's charge to make suggestions and technical edits to Virginia's history standards and provide recommendations for culturally competent professional developments so that teachers may be prepared to teach African American history. Their duty is to look at short-term improvements and long-term changes to how Virginia's schools approach and teach history. The Commonwealth's Department of Education was also charged with making an elective course in African American history to be released by the fall semester of 2020.

Parents and Community Stakeholder Panel

The panel began with introductions. Attendees included:

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- Evlatrice Belsches, public historian and author
- Chantel Brown, parent of a child at Glen Allen Elementary School
- Zyahna Bryant, first year undergraduate at the University of Virginia and member of the Virginia African American Advisory Board
- Joshua Cole, VCU School of Education and the Office of Strategic Engagement
- Toria Edmunds-Howell, former educator from Richmond Public Schools, the RPS Education Foundation, and the City of Richmond Mayor's Youth Academy
- Pat Foster, director of Minority Business Development for the City of Richmond
- Jer'Mykeal McCoy, president of the Urban League of Greater Richmond Young Professionals
- Sean Miller, county chief operating officer, Boys and Girls Clubs of Metro Richmond
- Kimberly Morris, parent of an 11th grader at Henrico High School
- Sonji Rollins-Tucker, parent and grandparent
- Bill Wooldridge, juvenile community programs manager for the City of Richmond Dr.

Derrick Alridge moderated the panel and facilitated the following discussions.

How have you been personally affected by the way African American history is or isn't taught?

- Mr. McCoy touched on his own experience in Virginia's schools when he was the only person in his classes who knew about African American history and culture because he sought it out on his own, outside of the classroom.
- Ms. Howell realized when she went to college and received a more intensive history education that she had not learned African American history during her time in public school. Learning at an HBCU broadened her horizons and made her feel like she began to understand her space in the world and had a sense of belonging with dedicated African American scholars. Ms. Morris had a similar experience and only realized she had not been taught African American history beyond the basics until she pursued higher education.
- Ms. Tucker reflected on her time in public school and how the way she was taught African American history undermined her confidence and made her feel like she did not belong. As a mother and grandmother, she has taken it upon herself to help her children and grandchildren experience history firsthand through learning and visiting historical sites. Allowing African American students to really engage in their history and to lift up their stories and accomplishments will build confidence and a positive identity in students.

If we reflect on what is being taught now in school, particularly in relation to when and how African American history is taught, what should we revise and what might we reconsider?

- Mr. Woolridge specifically referenced the Standards of Learning (SOL) and suggested that African American history content should begin in the third grade when the SOLs begin. Parent engagement also is key for student support.
- Ms. Belsches suggested expanding the historical narrative to include events and people relevant to Virginia's communities. Storytelling will help expand the narrative and deepen student learning. Rich, historical content should be provided to teachers so that they can be sure to have excellent sources to draw from in their lessons.
- Ms. Foster suggested learning about the robust history of African Americans and their cultures rather than just starting with slavery that marked African Americans being brought to America.
- Ms. Bryant emphasized Black excellence and drawing from role models from a variety of fields to show the broad range of accomplishments made by Black scholars.
- Mr. Miller added that changing African American history will require changing the historical narrative taught in the Commonwealth's schools.

How can we ensure that teachers are adequately prepared to teach African American history to diverse student populations?

- Mr. Cole emphasized that the Commissions' work provides an opportunity to help teachers become culturally competent, starting at reforming education programs at the university level to training established educators. He also suggested finding teachers who are already doing excellent work bringing African American research into the classroom and drawing from their expertise.
- Mr. McCoy suggested improving the pipeline for teachers of color to bring more African American mentors and teacher into Virginia's classrooms.

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- Ms. Howell pointed to the need for reflection and a constant assessment of personal biases is an important aspect of preparing teaches to work with all students. Training should also be ongoing – educators should not expect just to work on it once and then move on.

How might we improve African American history in general?

- Mr. Cole agreed with the focus the Commission has made on improving history Pre-K through 12, so that it is not just a topic covered for one year or in one class.
- Ms. Foster pointed to the possibility of making African American history its own certification.
- Several panel members spoke of how the community aspect of education contributes to a sense of history. One example of this is the negative connotations Black students will feel if they attend a school named for a Confederate general.

Can you provide a few more ideas about what can be done to ensure that teachers have the adequate content knowledge to teach African American history?

- Ms. Brown suggested communication and collaboration with parents.
- Ms. Bryant recommended that the structure and weight of high school courses should be a consideration. Even if a school is offering an African American history course, if it is not an attractive class for students to take in terms of meeting their degree plans, they may overlook it. Local history must be addressed too because it is especially relevant to the lives and experiences of teachers and students.

What do you think about the notion of oral history as a form of living Black history?

- Mr. McCoy indicated that sharing lived experience is a relevant way for students to explore and connect with history.

Public Comment

Leah Walker facilitated public commentary. Each member was allowed three minutes to speak to provide for a wider range of comments. Members of the public were also invited to submit comments or statements in writing on the Commission's website. The responses were as follows.

- Ma'asehyahu Isra-Ul, instructional specialist for history and social science for the Richmond Public School system emphasized the value of social studies and history because it has been undervalued over time and public schools across the nation are lessening social studies instruction in favor of improving English and math scores.
- Jemima Davis, living history interpreter, spoke of her vast experience going into schools and teaching about African American history, beginning with African culture. She lamented that the way that African American history is currently taught leaves these students out of their own cultural history.
- Sam Taylor touched on his experience as an author and diversity trainer and spoke to the need to also explore why African American history has not been taught to provide context for why it is so important. It is also important to put cultural and historical tales in context because African American history is both U.S. and world history.
- Charlotte Hayer, RPS teacher, stated that improving teacher capacity will require steps beyond a simple course to help teachers understand the importance of their role in being caring, respectful role models for their students.
- Ingrid Mendoza, social science specialist from Loudoun County, spoke to the need to raise teacher consciousness of white supremacy and how it has negatively impacted the schools.
- Wendy Howard Cooper emphasized lifting up the perspective of Virginia's children and being aware that the circumstances surrounding a child's community and upbringing will impact how they learn and connect with history.
- Colleen Eddy, coordinator for social studies for Fairfax County Public Schools, pointed to specific issues with the existing Virginia curriculum framework, including the lack of meaningful and honest attention to American slavery. It is especially problematic that studies of the economic justifications and intricacies of slave labor do not touch on the human and emotional horrors endured by enslaved African Americans.

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- Naila Holmes, director of Human and Civil rights with the Virginia Education Association, mentioned the VEA's work on establishing a dialogue on institutional racism that limits opportunities and prevents students from realizing his or her full potential.
- Tanya Pruett shared that her own history education was not inclusive and spoke to the importance of African American history as a crucial aspect of U.S. history. Making an elective course is not sufficient to address the problem.

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Listening Session Meeting Minutes, March 11, 2020

Norfolk State University
700 Park Avenue, Norfolk, Virginia 23504

Attendees

Present Commission Members: Dr. Cassandra Newby-Alexander, Makya Little, Rodney Jordan, Pat Fisher, Christy Coleman, Renita Williams

Virginia Department of Education Staff: Tori Noles, Jenné Nurse, Christonya Brown, Christine Harris

Student Panel: Faith Handling, Julate Hillman, Myles Hunt, Bryce Marchetti, Jaylen Riddick, Harrington Smith, Charity Warren

Welcome and Overview

Dr. Cassandra Newby-Alexander, Norfolk University professor, dean of the college of liberal arts, and commission co-chair, welcomed all attendees on behalf of both Norfolk State University and the Commission on African American History Education in the Commonwealth. Norfolk State University is an institution that embraces the vital contributions that African Americans have made to the state and nation. All students who graduate are required to take at least one course on African American history, though they may choose the discipline from history itself to fine arts and science. She briefly touched on Norfolk State University's role in helping conduct the research that shaped the civil rights movement and invited everyone in attendance to visit the university once the COVID-19 situation impacting the United States is under control.

Dr. Newby-Alexander also explained the Commission's charge: that Governor Ralph Northam established the Commission to deliver a report that looked at the Standards of Learning in Virginia to pinpoint what can be fixed immediately, and how they could be changed in the long term to promote inclusion of African American history. The Commission also must write on broader considerations about how history in the commonwealth can be shaped to promote a more contextualized, accurate and inclusive view of the United States. The third main charge is to issue recommendations for professional development to improve the teaching and learning of African American contributions to history. Additionally, the Commission will make future-facing recommendations about Virginia's standards as a whole.

Tori Noles, special assistant to Virginia's Secretary of Education, brought greetings from Secretary Atif Qarni and Chief Diversity Officer Janice Underwood. She thanked the commission for their work and reiterated that the department is there to help in any way it can.

Jenne Nurse, equity coordinator at the Virginia Department of Education, brought greetings from the State Superintendent and the Department itself before highlighting the work that educators and the public have done in previous listening sessions by participating in panels. The panels have consisted of teachers, office staff, parents and community advocates. The panel convened at Norfolk was comprised of students, who are equally vital voices to provide feedback on education and African American history in the commonwealth.

Student Panel

The student panel was moderated by Dr. Newby-Alexander and included:

- Faith Handling, Norfolk Public Schools
- Julate Hillman, Virginia Beach Public Schools
- Miles Hunt, Portsmouth Public Schools
- Bryce Marchetti, Chesapeake Public Schools
- Jaylen Riddick, Chesapeake Public Schools
- Harrington Smith, Virginia Beach Public Schools
- Charity Warren, Norfolk Public Schools

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The panel's format mostly involved moderator Dr. Newby-Alexander asking specific students questions based on information the students had shared about their experiences in school before the panel. Other students were able to comment if they had something they wanted to add.

How have you been personally affected by the way African American history is taught?
Students were invited to answer this question to give their perspectives on African American history during their experiences in Virginia's public schools. General points included the following.

- Students have been affected by how it is not taught – that they have not really been taught much about African American history during their time in school.
- One student commented that the only African American historical figures they were taught during school were "the big four": Martin Luther King, Jr, Rosa Parks, Jackie Robinson, and George Washington Carver. To get a broader perspective of history, they had to research on their own.
- Another student mentioned that their time in a predominantly African American private school allowed for a much broader look at the contributions of African Americans to U.S. history, but the moment they entered public school, it was minimized.
- African American history was often reduced to small facts learned during Black History Month or names of figures who broke barriers whose names they learned for tests. For one student, it led to a general loss of her sense of self, that history was not something she could personally relate to.
- Another student commented that though there was an African American history class available at their school, it was an elective, so not many students would end up taking it.
- Another student mentioned that his teachers tried to include African American content in their courses, but it was not comprehensive and did not lend a sense of gravity or identity. The exclusion of African American historical content in Virginia's schools leaves out a vital building block of U.S. history that all students should know.

What considerations should be made to improve the inclusion of African American history instruction?

- African American history is a complex narrative, especially because African Americans in the U.S. have such a mix of cultural and national heritages. Conversations about war and slavery are obviously difficult and will cause potential conflict between students, which is why it is so important to properly arm teachers with the knowledge and skills they need to moderate these discussions and give a thoughtful, broad and inclusive view of U.S. history.
- One student suggested that it might be helpful to dedicate a Standards of Learning (SOL) to African American history, beginning in 1619 when Africans were first brought to the United States and touch on major historical points from there. It is important to not only discuss the conditions of slavery, but also the African Americans who were free and made their own contributions to history. The goal should be for students to have a good understanding of U.S. history, which includes the contributions of African Americans.

Identify current practices in history instruction that could be reconsidered, added or revised as it pertains to African American history.

- There should be a course available to touch specifically on African American history. In U.S. history, instruction should go beyond slavery, the Black renaissance, and the civil rights movement. Students should know what happens between for all of the unique cultures that have contributed to U.S. history.

How can we ensure that teachers are adequately prepared to teach African American history to diverse student populations?

- The first step would be to ensure that all teachers are credentialed for African American history but to also have a candid talk with educators to reiterate that the only way to honestly address U.S. history is to include the darker, violent aspects. They need to be sure they are emotionally prepared and have the strategies to discuss these difficult topics with their students.

Do you have suggestions about how to improve teachers' knowledge and comfort when they are teaching African American history?

- Ideally, a teacher that has sought out or taken African American history. Beyond that, the educator should be comfortable in his or her own cultural and historical background and extended that comfort the more difficult parts of U.S. history.

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- Teachers being prepared to have difficult conversations goes beyond professional development and credentials. Learning history should be ongoing and holistic, and educators should present historical content to their students in a way that allows them to emotionally grasp the gravity of it rather than sticking to the drier aspects.

What would you do to improve African American history education?

- Diversification is important. Students learn in different ways, so history education should be well-rounded. It should not only focus on the past but also the present and implications for the future. History has depth and students should feel its importance in everything that they do as they learn and grow as individuals.

Would including local history into the curriculum help engage students?

- One student mentioned living near Old Point Comfort on Fort Monroe, where the first enslaved African Americans were brought to the United States in 1619. The history there is local, personal and deeply relevant to the United States. Local history is also relevant in terms of community figures who had parts to play in shaping American history.
- Conversations about important events and people that begin in the classrooms should also go home, where students can talk to their parents about what they can share regarding local landmarks and figures.
- Being able to visualize history through what students can discover locally could appeal to them and keep them engaged because it is something they can see and interact with. Being more knowledgeable about how events have shaped their cities and communities will also allow students to be more civic-minded and better informed.

Final Comments:

- Hosting panels of stakeholders open for public comment is vital to the Commission's work because it allows for collaboration. Moving toward a more inclusive view of history and academics in public schools goes beyond the department of education and requires students, teachers, administrators, families and community stakeholders be part of the conversation.
- Teachers should be passionate about what they teach. Content so important should not just be a checklist for tests or curriculum. History should be personal, innovative and engaging.
- Connecting the history of African Americans in the United States to the current successes that the nation enjoys is vital. The fight for a quality education at the local and state levels should be clear to students and families so that they know the importance of properly funding schools and preparing students and future teachers.
- The narrative surrounded African American history needs to go beyond the notion that they are just survivors. They are innovators, creators, entrepreneurs.

Public Comment

The public comments section included attendees submitting their comments by number, with three minutes to speak. Comments also were welcomed to be submitted online in their entirety. Briefly, the recorded comments included the following.

- The first speaker, a French teacher, mentioned their petition to boycott World History I and II because it does not teach fully factual, contextualized history beyond what is said to have been solely built by Europeans and primarily white nations. Educators need to do better and give a wider, more inclusive look at history and the contributions of African Americans.

- Brother Kim, from the Association for African American Life and History (ASALH), mentioned that the disconnect between what students are taught, their identities, and the full truth of African American contributions comes down to how it is taught. The ASALH offers its services to assist with professional development in how to prepare teachers to include African American content across disciplines and the curriculum.

- One commenter pointed to a lack of engagement with content that leads to students not seeking out or learning more about history. From early grades, they need a glimpse of how what they are learning fits into the broader picture and how it is personal to them.

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- One commenter introduced several points relating to African American history to potentially enrich the curriculum, from mathematician Katherine Johnson to the Dallas Act. Once the speaker began attending college, the desire to discover what they did not learn in high school concerning African American history inspired them to do research on their own, and the effect is an empowering knowledge of personal and cultural history that all students should experience while in primary and secondary school.
- African American history is American history. Racism is an integral driver of policy and struggle that African Americans in the United States have fought to overcome, but it is not often discussed in the classroom. It is important to address these realities and to broaden the field of teaching to include and incentivize more minority educators. As the state grows more diverse, so too should the teachers.
- A currently employed English teacher reiterated that a multidisciplinary approach is ideal for engaging students with African American history in all their subjects.
- The final speaker emphasized that the history of America has been rooted in fiction more than fact. Classes should bring in elements of the history of all races and cultures that have helped form the United States, but African American contributions were a vital component for building the nation itself. Slavery helped propel the success of states like Virginia and perpetuated injustice, but it also was home to the underground railroad and efforts by African Americans to assert their freedom.

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Appendix D: Curriculum Framework Edits for Consideration

Commission on African American Education in the Commonwealth
Proposed Technical Edits

The following are proposed technical edits to the Curriculum Frameworks by the Standards Subcommittee of the Virginia Commission on African American History Education. The Virginia Superintendent of Public Instruction and the Virginia Board of Education (VBOE) will consider these recommendations for approval at a later date. Further, these recommendations will be considered as a part of the Commission's larger charge for consideration by the VDOE, VBOE, and during the History and Social Science Standards' Review and Revision process anticipated to begin in 2021.

Course: Kindergarten

Standard	Original language	AAHEC Recommendation
K.1b		Where it states community or community members, reference African American neighborhoods.
K.1c	• Listen to community members; discuss events, stories, and legends to learn about the community.	• Listen to community members, **of diverse backgrounds,** discuss events, stories, and narratives to learn about the community.
K.2ab	Each local community has a unique history that includes stories and legends that have developed over time. Local schools and divisions may determine community-related events, stories, legends, and people to be studied.	Each local community has a unique history that includes stories and narratives ~~legends~~ that have developed over time. Localities recognize people who contributed to the development of the community over time. Local schools and divisions may determine community-related events, stories, narratives ~~legends~~, and people to be studied.

Course: Grade One

Standard	Original language	AAHEC Recommendation
1.1b	**Constructing maps** • Create a simple drawing of the classroom, school, community, or areas/locations.	**Constructing maps** • Create a simple drawing of the classroom, school, community, or areas/locations in relationship to the content in the curriculum framework.
1.1d	**Experiences may include but are not limited to the following:** • Create interview questions to ask the early settlers of Virginia.	**Experiences may include but are not limited to the following:** • Create interview questions to ask the early English settlers, Virginia Indians, and Africans of Virginia.
1.1f	**Experiences may include but are not limited to the following:** • Describe how the relationship between Pocahontas and the	**Experiences may include but are not limited to the following:** • ~~Describe how the relationship between Pocahontas and the Jamestown settlers affected the success of the Jamestown settlement.~~

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Standard	Original language	AAHEC Recommendation
	Jamestown settlers affected the success of the Jamestown settlement.	• Describe how the relationship between diseases and weapons of the English settlers impacted the Virginia Indians.
1.1g	**Experiences may include but are not limited to the following:** • Discuss how jobs in Virginia have changed over time	**Experiences may include but are not limited to the following:** • Discuss how jobs in Virginia have changed over time for all Virginians.
1.2a,b,c	**Essential Understandings** Many people, and events contributed to Virginia history. **Essential Knowledge** Many different people, and events helped shape Virginia's history.	**Essential Understandings** Many people, **from diverse backgrounds**, and events contributed to Virginia history. **Essential Knowledge** Many different people, **cultures,** and events helped shape Virginia's history.
1.3a-e	**The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on** **a) Powhatan;** **b) Pocahontas;** **c) Christopher Newport;** **d) Maggie L. Walker;** **e) Arthur R. Ashe, Jr.;**	**The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on** **a) Powhatan;** **b) Pocahontas;** **c) Christopher Newport;** **d) Maggie L. Walker;** **e) Arthur R. Ashe, Jr.;** **f) Lawrence Douglas Wilder; and** **g) John Mercer Langston.**
1.3f,g		• Lawrence Douglas Wilder: He was the first elected African American Governor of Virginia and in the United States. • John Mercer Langston: First African American Congressmen from Virginia.
1.4d		**The student will describe the lives of people associated with major holidays, including** **a) George Washington Day (Presidents' Day);** **b) Independence Day (Fourth of July); and** **c) Martin Luther King, Jr., Day.** **d) Juneteenth**
1.4d		• Juneteenth: It is traditionally the day that celebrates the end enslavements of African-Americans in the United States. It is observed on June 19th.
1.10a - f		**Essential Understandings** Not everyone was considered a citizen when our country began, and for a long time after that, even until today. **Essential Knowledge** Students can demonstrate good citizenship by • being inclusive of others despite differences • exercising civic duties like voting and paying taxes

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Standard	Original language	AAHEC Recommendation
1.12a, b	**Essential Knowledge** **Terms to know** ● symbol: A picture, or thing that stands for something else ● tradition: A custom or belief that is practiced or observed over a long period of time ● patriotic: Showing respect for and love of country, and state	**Essential Knowledge** **Terms to know** ● symbol: A picture, object, or action ~~or thing~~ that stands for something ~~else~~ ● tradition: A custom or belief that is practiced or observed over a long period of time ● patriotic: Showing respect for and love of country, ~~and state~~ state, and neighbors
1.13a, b, c	**Essential Knowledge** People in Virginia's communities are united as Americans by common principles and traditions. , such as ● celebrating Independence Day (Fourth of July) ● pledging allegiance to the flag.	**Essential Knowledge** People in Virginia's communities are united as Americans by common principles and traditions.

Course: Grade Two

Standard	Original language	AAHEC Recommendation
2.4j	● Martin Luther King, Jr.: He was an African American minister who worked so that all people would be treated fairly. He led peaceful marches and gave speeches.	● Martin Luther King, Jr.: He was an African American minister who advocated ~~worked~~ so that all people would be treated fairly. He led peaceful marches and gave speeches. He was an important leader in the Civil Rights Movement who fought to end racial segregation.
2.5a	● Martin Luther King, Jr., Day: This is a day to remember an African American minister who worked so that all people would be treated fairly. It is observed in January.	● Martin Luther King, Jr., Day: This is a day to remember an African American minister who advocated ~~worked so that all people would be treated fairly~~ to end racial segregation and promote racial equality. It is observed in January.

Course: Virginia Studies

Standard	Original language	AAHEC Recommendation
VS.1d	**Experiences may include but are not limited to the following:** ● Respond to guiding questions to help in understanding multiple perspectives	**Experiences may include but are not limited to the following:** ● Respond to guiding questions to help in understanding multiple perspectives of people from diverse backgrounds:

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Standard	Original language	AAHEC Recommendation
VS.2d		**Essential Understandings** The Powhatan American Indians called their land Tsenacomoco.
VS.2e		**Climate in Virginia** • Native Americans tried to escape from the English Colonists by hiding and living in the Dismal Swamp.
VS.2g		**Essential Understandings** American Indians and their culture were greatly affected by white European colonization. They intermingled with the English and Africans.
VS.3e	**Essential Understandings** Virginia became a more diverse colony by 1620.	**Essential Understandings** This is the first time that Africans were introduced to the Virginia colony and became permanent part of Virginia's population. ~~Virginia became a more diverse colony by 1620.~~
VS.3e	**Essential Knowledge** Portuguese sailors captured African men and women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown. Africans arrived in Virginia against their will in 1619. The arrival of Africans made it possible to expand the tobacco economy. The arrival of additional women in 1620 made it possible for more settlers to start families, which helped to establish Jamestown as a permanent colony in Virginia.	**Essential Knowledge** ~~Portuguese sailors captured African men and women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown.~~ Africans arrived in Virginia against their will in 1619. The first Africans who were forcibly brought to Old Point Comfort were originally free people who were captured by Portuguese soldiers by hired mercenaries in an Angolian region of West Central Africa. With the forced arrival of these Africans Virginia would create a system of people treated as property based on their skin color. ~~The arrival of Africans made it possible to expand the tobacco economy.~~The Virginia Colony's economy was greatly dependent upon temporary and permanent servitude. 90% of the Virginia population were in some form of servitude. In these early years, Virginia would create a disparity between English colonists and Africans. The arrival of additional English women in 1620 made it possible for more settlers to start families, which helped to establish Jamestown as a permanent colony in Virginia.
VS.4a	For this reason, African men, women, and children were brought to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.	The Virginia Colony turned to enslaved labor to make money and expand their resources. This dependence lasted for more than two hundred years, until the end of the Civil War. For this reason, African men, women, and children were forcibly brought to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.
VS.4e	Most enslaved African Americans worked tobacco, other crops, and livestock.	~~Most e~~Enslaved Africans ~~Americans~~ worked tobacco, other crops, livestock, in industries including shipping, construction, and other trades. Africans came to America with prior knowledge of skilled trade.

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Standard	Original language	AAHEC Recommendation
	Enslaved African Americans were denied basic rights. Some free African Americans owned land but were denied basic rights.	Enslaved Africans ~~Americans~~ were denied basic rights. Some free Africans ~~Americans~~ in America owned land but were denied basic rights. Africans began to have families born in America increasing their population.
VS.5b	**Varied roles of American Indians, whites, enslaved African Americans, and free African Americans in the Revolutionary War era** **Contributions of Virginians during the Revolutionary War era** ● James Lafayette, an enslaved African American from Virginia, served as a spy in the Continental Army during the Revolutionary War. He successfully requested his freedom after the war with the support of the Marquis de Lafayette.	**Varied experiences ~~roles~~ of American Indians, whites, enslaved African Americans, and free African Americans in the Revolutionary War era** **Contributions of Virginians during the Revolutionary War era** ● James Lafayette, an enslaved African American from Virginia, served as a spy in the Continental Army during the Revolutionary War. James Lafayette then had to fight for his freedom and won his freedom many years after the war, ~~He successfully requested his freedom after the war~~ with the support of the Marquis de Lafayette.
VS.6c	● Many enslaved African Americans were sold to people who lived in other southern states	● Many enslaved African Americans were sold to people who lived in other southern states and western territories, permanently separating many families by hundreds of miles.
VS.7a	**Essential Understandings** Because of economic differences, The North and the South were unable to resolve their conflicts, and the South seceded from the United States.	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South based in slavery eventually resulted in the Civil War. ~~Because of economic differences, t~~The North and the South were unable to resolve their conflicts, and the South seceded from the United States.
VS.7a	**Essential Knowledge** **Differences between northern and southern states** The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor. Northern states wanted the new states created out of the western territories to be "free states," while the southern states wanted the new states to be "slave states."	~~**Differences between northern and southern states**~~ ~~● The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor.~~ ~~● Northern states wanted the new states created out of the western territories to be "free states," while the southern states wanted the new states to be "slave states."~~
VS.7a		**Events leading to secession and war** ● Abolitionists, The Fugitive Slave Act and the Underground Railroad were all contributing factors to the Civil War because most white southerners strongly believed they had the right to slavery.
VS.7b	**Major Civil War battles fought in Virginia**	**Major Civil War Events ~~battles fought~~ in Virginia**

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Standard	Original language	AAHEC Recommendation
		• The Confederates were using slaves to help them in the war effort. Three men (Shepherd Mallory, James Baker, and Frank Townsend) refused and escaped to Fort Monroe, this led to the Contraband decision, which led to tens of thousands of enslaved people to seek refuge with the Union Army.
VS.7c	American Indians, whites, enslaved African Americans, and free African Americans had various roles during the Civil War.	American Indians, whites, enslaved African Americans, and free African Americans ~~had~~ experienced the Civil War different ways. ~~various roles during the Civil War.~~
VS.7c	**Varied roles of American Indians, whites, enslaved African Americans, and free African Americans during the Civil War** • Many enslaved African Americans sought freedom by following the Union Army, where many found work. • Clara Barton, a Civil War nurse, created the American Red Cross.	**Varied experiences ~~roles~~ of American Indians, whites, enslaved African Americans, and free African Americans during the Civil War** • Many enslaved African Americans sought freedom by following the Union Army, where many found work. African American soldiers were paid less than white soldiers. • Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, an abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy. • Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He was elected to the United States House of Representatives after the war.

VS.8a	**Problems faced by Virginians during Reconstruction**
	• Hundreds of thousands of freed African Americans needed housing, education, clothing, food, and jobs.
	• Virginia's economy was in ruins:
	  ○ Money had no value.
	  ○ Banks were closed.
	  ○ Railroads, bridges, plantations, and crops were destroyed.
	  ○ Businesses needed to be rebuilt.
	
	Measures taken to resolve problems
	The Freedmen's Bureau was a federal government agency that provided food, public schools, and medical care for freed African Americans and others in Virginia.
	• Sharecropping was a system common in Virginia after the war in which freedmen and poor white farmers rented land from landowners by promising to pay the owners with a share of the crops
		Problems faced by Virginians during Reconstruction
		• African Americans faced injustice, increased violence, and discrimination immediately after the end of slavery.
		
		Measures taken to resolve problems
		• Sharecropping was a system with unfair practices that locked people into poverty. Sharecropping was common in Virginia after the war;, ~~in which~~ freedmen and poor white farmers rented land from landowners by promising to pay the owners with a share of the crops.
		• African Americans pushed for education for their children. This directly resulted in Freedom's First Generation of who some became doctors, lawyers, and teachers. African Americans saw education as a path to greater opportunities. Despite the obstacles they faced, many African Americans achieved excellence.

VS.8b	During Reconstruction, African Americans began to have power in Virginia's government, and black and white men could vote and hold office.	During Reconstruction, African Americans began to have power in Virginia's government, and black and white men could vote and hold office. Black Virginians led the fight for the first public school system in Virginia.

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Standard	Original language	AAHEC Recommendation
		-John Mercer Langston was an important African American leader before, during, and after the Civil War ● Free black from Louisa County, Virginia who was educated in Ohio and became a lawyer in the North ● Abolitionist who participated in the Underground Railroad in Ohio ● Recruited black volunteers to serve as soldiers in the Union Army during the Civil War ● Returned to Virginia after the Civil War and became the President of a new black college in Petersburg later known as "Virginia State University" ● First African American elected to the U.S. Congress from Virginia
VS.8b	After Reconstruction, these gains were lost when "Jim Crow" laws were passed by southern states. "Jim Crow" laws legally established segregation, or separation of the races, and reinforced prejudices held by whites.	After Reconstruction, these gains were taken away through violence, intimidation, and ~~lost~~ when "Jim Crow" laws were passed by southern states. "Jim Crow" laws legally established segregation, or separation of the races, and reinforced prejudices held by whites.
VS.9a		The port of Virginia saw an expansion of the shipbuilding industry, launching a maritime industry centered on Hampton Roads.
VS.9b		The PWA (Public Works Administration) and the WPA (Works Progress Administration) in providing jobs for the population, especially African Americans. The PWA also built schools, libraries, and hospitals. Virginia was also the only state that hired black professionals to help interview former slaves as part of the Federal Writers project.

Course: United States History to 1865

Standard	Original language	AAHEC Recommendation
US1.1f	**Experiences may include but are not limited to the following:** ● Compare charts, graphs, and/or maps to determine the role diversity played in affecting the social, economic, and political structure of the United States. ● Create flow charts, storyboards, and timelines to explore multiple causes and effects. ● Determine how the choices of selected individuals or groups influenced United States history.	**Experiences may include but are not limited to the following:** ● Compare charts, graphs, and/or maps to determine the role diversity played in affecting the social, economic, and political structure of the United States. ● Create flow charts, storyboards, and timelines to explore multiple causes and effects. ● Determine how the choices of selected individuals or groups influenced United States history. ● Examine the decisions by Africans Americans to support either the Americans or British in the American Revolution.
USI.1g	**Experiences may include but are not limited to the following:**	**Experiences may include but are not limited to the following:** ● Create a flowchart to show connections between what explorers wanted to accomplish in the west (e.g., find new land for

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	• Create a flowchart to show connections between what explorers wanted to accomplish in the west (e.g., find new land for farming) and the effect that these interests had on American Indians (e.g., American Indians were displaced from their land). Discuss how the relationship between the explorers and the American Indians changed over time.	farming) and the effect that these interests had on American Indians (e.g., American Indians were forcibly removed from their land and in many cases massacred ~~displaced from their land~~). Discuss how the relationship between the explorers and the American Indians changed over time.
USI.1j	• Create a social media page or blog about an event from United States history. Take a position on the topic, and use a variety of sources as evidence to support the stance. ○ French Explorer: Exploration of North America ○ Member of British Parliament: Declaration of Independence ○ American Indian: Manifest Destiny ○ Resident of the Kansas territory: Kansas Nebraska Act	• Create a social media page or blog about an event from United States history. Take a position on the topic, and use a variety of sources as evidence to support the stance. ○ French Explorer: Exploration of North America ○ Member of British Parliament: Declaration of Independence ○ Enslaved African Americans: Emancipation Proclamation ○ American Indian: Manifest Destiny ○ Resident of the Kansas territory: Kansas Nebraska Act
US1.5a	**Essential Knowledge** Colonies and the reasons they were established • Roanoke Island (Lost Colony) was established as an economic venture. • Jamestown settlement, the first permanent English settlement in North America (1607), was an economic venture by the Virginia Company. • Plymouth Colony was settled by separatists from the Church of England who wanted to avoid religious persecution. • Massachusetts Bay Colony was settled by the Puritans to avoid religious persecution. • Pennsylvania was settled by the Quakers, who wanted	**Essential Knowledge** Colonies and the reasons they were established • This list is not exhaustive of all of the colonies that shaped America.

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Standard	Original language	AAHEC Recommendation
	freedom to practice their faith without interference. ● Georgia was settled by people who had been in debtors' prisons in England. They hoped to experience economic freedom and start a new life in the New World.	
US1.5d	**Women** ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities for getting an education **Free African Americans** ● Were able to own land ● Had economic freedom and could work for pay and decide how to spend their money ● not allowed to vote	**White Women** ● Worked as caretakers, house-workers, and homemakers ● Were not allowed to vote ● Had few opportunities for getting an education **Free African Americans** ● Were able to own/inherit land in some cases ● Had limited economic freedom and could work for pay and decide how to spend their money in some cases ● Had varying degrees of freedom and were not allowed to vote (men or women)
US1.6b	**Essential Understandings** The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights to life, liberty, and the pursuit of happiness.	**Essential Understandings** The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights to life, liberty, and the pursuit of happiness. In practicality, it only applied to white men at this time.
US1.6c	**Key individuals**	**Key individuals** ● Crispus Attucks: Fugitive enslaved African American who was the first person to die in the Boston Massacre ● James Armistead Lafayette: Enslaved African American from Virginia served as a spy in the Continental Army during the Revolutionary War. James Lafayette then had to fight for his freedom and won his freedom many years after the war, with the support of the Marquis de Lafayette.
USI.7b	**The Constitutional Convention**	**The Constitutional Convention** ● The Three-fifths Compromise perpetuated slavery in the United States.
US1.7c	● Thomas Jefferson ○ Lewis and Clark explored -new land west of the Mississippi River;	● Thomas Jefferson ○ The Lewis and Clark Expedition, which included enslaved peoples Sacagewa and York, explored ~~new~~ land west of the Mississippi River;
US1.8d	**New technologies and their impact on society** ● The cotton gin was invented by Eli Whitney. It increased the production of cotton and thus increased the need for slave labor to cultivate and pick the cotton.	**New technologies and their impact on society** ● The cotton gin was ~~invented~~ patented by Eli Whitney. It increased the production of cotton and thus increased the need for slave labor to cultivate and pick the cotton.

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Standard	Original language	AAHEC Recommendation
US1.8e	**Essential Understandings** The abolitionists worked to end slavery. The women's suffrage movement helped women gain equal rights.	**Essential Understandings** The abolitionists worked to end slavery. ~~The women's suffrage movement helped women gain equal rights.~~ The beginning of the women's suffrage movement included both white and African American women known as suffragists. Not all white suffragists were in agreement that women of color should be extended the right to vote.
USI.9a	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.	**Essential Understandings** ~~Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.~~Struggles over the future of slavery's expansion agitated the United States for decades and led the nation into the Civil War.
US1.9a	**Essential Knowledge** **Issues that divided the nation** ● Slavery o While there were several differences between the North and the South, the issues related to slavery increasingly divided the nation and led to the Civil War. o Much of America's economy revolved around the institution of slavery. ● Cultural issues o The North was mainly an urban society in which people held jobs in cities. o The South was primarily an agricultural society in which people lived in small villages and on farms and plantations. o Because of their cultural differences, people of the North and South found it difficult to agree on social and political issues. ● Economic issues o The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition. o The South was largely agricultural. Southerners opposed tariffs that would cause	**Essential Knowledge** **Issues that divided the nation** ● Slavery o ~~While there were several differences between the North and the South, the issues related to slavery increasingly divided the nation and led to the Civil War.~~ o Much of America's economy revolved around the institution of slavery. o Slavery was growing larger, stronger, and more powerful in each decade after 1800. o By 1860, nearly four million Americans lived in perpetual bondage. ● Cultural issues ● The North and the South shared a culture of Protestant Christianity, political beliefs based on the Constitution, and ideals of personal property.~~The North was mainly an urban society in which people held jobs in cities.~~ o A culture of reform grew in the North, fed by the Second Great Awakening, aspirations of social improvement, activist women, and charismatic reformers.~~The South was primarily an agricultural society in which people lived in small villages and on farms and plantations.~~ o ~~Because of their cultural differences, people of the North and South found it difficult to agree on social and political issues.~~ ● In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people ● Black southerners saw themselves as a people held in bondage like the Israelites in the Bible and had faith they would one day be delivered from slavery. ● Economic issues ~~The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition.~~ o ~~The South was largely agricultural. Southerners opposed tariffs that would cause prices of manufactured goods to increase. Planters were also concerned that Great Britain might stop buying cotton from the South if tariffs were added.~~ ● In both the North and the South, most people were farmers ● About a fourth of white Southern families owned enslaved people and grew wealthy from their labor.

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	prices of manufactured goods to increase. Planters were also concerned that Great Britain might stop buying cotton from the South if tariffs were added. ● Constitutional issues ● A major conflict was states' rights versus strong central government.	● Powerful economic interests in both regions fought for economic advantage with government policies favorable to them. ● Plantation slavery was economically powerful but did not develop as many towns, cities, and factories as the North. ~~● Constitutional issues~~ ~~● A major conflict was states' rights versus strong central government.~~ ● Political Issues ● Voters in the North and the South belonged to the same political parties from the 1820s through the 1850s: Democrats and Whigs. ● The two parties found ways for the divergent interests of the North and South to be compromised. ● The emergence of the Republican Party in the late 1850s gave voice to Northerners angry at Southern dominance of the federal government out of proportion to white population. ● These political differences, fed by the invention of the telegraph and the spread of newspapers, led the South to secede.
USI.9b	○ A stricter fugitive slave law was enacted,	○ ~~A stricter fugitive slave law was enacted,~~ The Fugitive Slave Act of 1850 was passed.
USI.9b	● Most Southerners believed that the states had freely created and joined the union and could freely leave it.	● Most White Southerners believed that the states had freely created and joined the union and could freely leave it.
US1.9d	● Frederick Douglass ○ Was a former enslaved African American who promoted African American involvement in the Civil War	● Frederick Douglass ○ Was a former enslaved African American who promoted African American involvement in the Civil War by creating the United States Colored Troops.
US1.9f	**General effects of the war** ● Clara Barton, a Civil War nurse, created the American Red Cross.	● Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, a abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy.

Course: United States History: 1865 to the Present

Standard	Original language	AAHEC Recommendation
USII.1g		● Create a timeline that illustrates the role of Jim Crow (segregation) laws in the 20th century and how those laws restricted the rights, economic decision-making, and choices of African Americans
USII.1h	**Problem**: Which of the following amendments to the United States Constitution is most important	Deletion

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Standard	Original language	AAHEC Recommendation
USII.2b	**Examples of manufacturing areas** ● Textile industry: New England	**Examples of manufacturing areas** ● Textile industry: New England ● Hair Care & Cosmetics industry: St. Louis
USII.3a	**Basic provisions of the amendments** ● The 13th Amendment bans slavery, in the United States and all of its territories.	**Basic provisions of the amendments** ● The 13th Amendment bans slavery, except for felonies, in the United States and all of its territories.
USII.3a	Although these three amendments guarantee equal protection under the law for all citizens, American Indians and women did not receive the full benefits of citizenship until later.	Although these three amendments guarantee equal protection under the law for all citizens, American Indians and women of all races, ethnicities, and nationalities did not receive the full benefits of citizenship until many generations later.
USII.3b	The Reconstruction policies were harsh and created problems in the South. Reconstruction attempted to define the means by which all Southerners could live together equally.	Reconstruction attempted to create legal equality for free and formerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laid the legal foundation for the equality of all Americans, which we continue to pursue.
USII.3b	**The student will apply social science skills to understand the effects of Reconstruction on American life by** **b) describing the impact of Reconstruction policies on the South and North;** Essential Understanding The Reconstruction policies were harsh and created problems in the South. Reconstruction attempted to define the means by which all Southerners could live together equally.	**The student will apply social science skills to understand the effects of Reconstruction on American life by** **b) describing the impact of Reconstruction policies on the South and North;** Essential Understanding ~~The Reconstruction policies were harsh and created problems in the South.~~ ~~Reconstruction attempted to define the means by which all Southerners could live together equally.~~ Reconstruction attempted to create legal equality for free and formerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laid the legal foundation for the equality of all Americans, which we continue to pursue.

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Standard	Original language	AAHEC Recommendation
USII.3b	Essential Knowledge **Reconstruction policies and problems** ● Southern military leaders could not hold office. ● African Americans could hold public office. ● African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for its enforcement. ● Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. ● Federal troops supervised the South. ● The Freedmen's Bureau was established to aid former enslaved African Americans in the South. ● Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.	Essential Knowledge **Reconstruction policies and problems** ● ~~Southern military leaders could not hold office.~~ ● ~~African Americans could hold public office.~~ ● ~~African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for its enforcement.~~ ● The Freedmen's Bureau was established to aid former enslaved African Americans in the South. ● Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. ● After the adoption of the Reconstruction laws, former Confederates states could not be readmitted to the United States until they held conventions to write new constitutions that adopted the 14th Amendment ● African American men could vote for delegates to those conventions and serve as delegates ● Federal troops supervised the South. ● ~~The Freedmen's Bureau was established to aid former enslaved African Americans in the South.~~ ● ~~Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.~~ ● The state governments under Reconstruction adopted laws to create public education and new state institutions ● Most white Southerners resisted the Reconstruction governments and worked to replace them as soon as possible ● One state after another came under the control of the Democrats in the early 1870s
USII.3b	**End of Reconstruction and its impact** ● Reconstruction ended in 1877 as a result of a compromise over the outcome of the election of 1876 ● Federal troops were removed from the South. ● Rights that African Americans had gained were lost through "Jim Crow" laws ● "Jim Crow" laws affected the rights of American Indians.	**End of Reconstruction and its impact** ● Reconstruction ended in 1877 as a result of a compromise over the outcome of the election of 1876 and troops were removed from the final states still under Reconstruction governments. ● ~~Federal troops were removed from the South.~~ ● Rights that African Americans had gained were lost through "Jim Crow" laws that segregated black and white Southerners from one another. ● Starting in 1890, every Southern state wrote new constitutions that prevented African American men from voting ● ~~"Jim Crow" laws affected the rights of American Indians.~~
USII.3c	**Abraham Lincoln** ● Issued Reconstruction plan calling for reconciliation ● Believed preservation of the Union was more important than punishing the South	**Abraham Lincoln** ● His plan for ~~Issued~~ Reconstruction was not fully formed at the time of his assassination in April 1865 ~~plan calling for reconciliation~~ ● Sought to reconstruct the nation by bringing Southern states back into the Union when 10 percent of voters accepted the end of slavery and reunion

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Standard	Original language	AAHEC Recommendation
		● The resistance of white Southerners to the rights of formerly enslaved people, in Black Codes and violence, led Lincoln's party to begin a more thorough Reconstruction two years after the war's end ~~Believed preservation of the Union was more important than punishing the South~~
USII.3c	**Robert E. Lee** ● Urged Southerners to reconcile with Northerners at the end of the war and reunite as Americans when some wanted to continue to fight	**Robert E. Lee** ● Urged Southerners to reconcile with Northerners at the end of the war and reunite as Americans when some wanted to continue to fight ● Remained silent as laws to create equality for African Americans were proposed and did not encourage white Southerners to cooperate ● Died in 1870 before Reconstruction was fully in place ● After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause rather than the creation of a new nation based on slavery
USII.3c	**Frederick Douglass** ● Fought for adoption of constitutional amendments that guaranteed voting rights ● Was a powerful voice for human rights and civil liberties for all	**Frederick Douglass** ● Fought for adoption of constitutional amendments that guaranteed voting rights ● Was a powerful voice for human rights and civil liberties for all until his death in 1895
USII.4a	**Essential Understandings** New opportunities and technological advances led to westward migration following the Civil War. Westward expansion had an impact on the lifestyle of American Indians.	**Essential Understandings** New opportunities, population growth, and technological advances led to westward migration following the Civil War. Westward expansion destroyed ways of life that American Indians had practiced for centuries and dispossessed them from their homes. ~~had an impact on the lifestyle of American Indians.~~
USII.4a	**Reasons for increase in westward expansion** ● Opportunities for land ownership ● Technological advances, including the Transcontinental Railroad ● Possibility of obtaining wealth, created by the discovery of gold and silver ● Desire for adventure ● Desire for a new beginning for former enslaved African Americans	**Reasons for increase in westward expansion** ● Land was enabled by the Homestead Act passed during the Civil War, giving 160 acres to those who settled the land ~~Opportunities for land ownership~~ ● Technological advances, including the Transcontinental Railroad ● Possibility of obtaining wealth, created by the discovery of gold and silver ● Desire for adventure ● Desire for a new beginning for former enslaved African Americans ● Immigration of workers from China who built much of the Transcontinental Railroad ● Escape from cyclical poverty and white intimidation and violence
USII.4b	**Efforts to solve immigration problems**	**Efforts to solve immigration ~~problems~~ challenges**
USII.4b	**Challenges faced by cities** ● Tenements and ghettos ● Political corruption political machines	**Challenges faced by cities** ● Tenements and ghettos ● Political corruption led by political machines

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Standard	Original language	AAHEC Recommendation
USII.4c	**Essential Knowledge** **Racial segregation** ● Based upon race ● Directed primarily against African Americans, but other groups also were kept segregated ● Chinese Exclusion Act (1882) provided an absolute 10-year moratorium (halt) on Chinese labor immigration ● American Indians were not considered citizens until 1924	**Essential Knowledge** **Racial ~~segregation~~ discrimination** ● ~~Based upon race~~ ● ~~Directed primarily against African Americans, but other groups also were kept segregated~~ ● Chinese Exclusion Act (1882) provided an absolute 10-year moratorium (halt) on Chinese labor immigration ● American Indians were not considered citizens until 1924 and were restricted to reservations or forced to identify as African American if they were not on reservations. ● Mexican immigrants sometimes welcomed and sometimes deported, depending on labor needs of white employers
USII.4c	**"Jim Crow" laws** ● Also known as "Jim Crow" laws, named after a black character in minstrel shows ● assed to discriminate against African Americans ● Made discrimination practices legal in many communities and states ● Were characterized by unequal opportunities in housing, work, education, and government ● Upheld by the Supreme Court in *Plessy v. Ferguson*	**Racial Segregation ~~"Jim Crow" laws~~** ● Also known as "Jim Crow" laws, named after a black character in minstrel shows ● assed to discriminate against African Americans by forcing them into separate public accommodations ● Made discrimination practices legal in many communities and states ● Were characterized by unequal opportunities in housing, work, education, and government ● Accompanied by laws to prevent African American from voting, called disenfranchisement ● Upheld by the Supreme Court in *Plessy v. Ferguson* in 1896
USII.4c		**Lynching** ● Lynching was the illegal killing of people by gangs of violent vigilantes ● Lynching occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South ● Lynching was meant to intimidate African Americans from asserting themselves in any way, including politically, and were often conducted publicly and with the cooperation of law enforcement ● Lynching grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed
USII.4c	**African American responses** ● Booker T. Washington: Believed equality could be achieved through vocational education; accepted social segregation ● W.E.B. DuBois: Believed in full political, civil, and social rights for African Americans and founded the National Association for the Advancement of Colored People (NAACP) along with Ida B. Wells-Barnett	**African American responses** ● Booker T. Washington: Believed equality could be achieved through vocational education; accepted social segregation while secretly working against discriminatory laws ● W.E.B. DuBois: Believed in full political, civil, and social rights for African Americans and founded the National Association for the Advancement of Colored People (NAACP) along with Ida B. Wells-Barnett ● Ida B. Wells-Barnett fought against lynching and the many other injustices suffered by African Americans, publicizing the lynchings in newspaper articles and other writings

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USII.4d	**Rise of big business led by captains of industry** ● Captains of industry (John D. Rockefeller, oil; Andrew Carnegie, steel; Cornelius Vanderbilt, shipping and railroads; J.P. Morgan, banking)	**Rise of big business led by captains of industry** ● Captains of industry (John D. Rockefeller, oil; Andrew Carnegie, steel; Cornelius Vanderbilt, shipping and railroads; J.P. Morgan, banking) ● Also known as "robber barons," widely criticized at the time for their fights against unions and regulation
USII.4d	**Factors that promoted industrial growth in America** ● Access to raw materials and energy sources ● Large workforce (due to immigration) ● New inventions ● Financial resources	**Factors that promoted industrial growth in America** ● Access to raw materials and energy sources ● Internal migrations of blacks and whites from rural regions to urban centers ● Large workforce (due to immigration) ● New inventions ● Financial resources
USII.4d	**Postwar changes in farm and city life** ● Mechanization (e.g., the reaper) reduced farm labor needs and increased production. ● Industrial development in cities created increased labor needs. ● Industrialization provided new access to consumer goods (e.g., mail order).	**Postwar changes in farm and city life** ● Mechanization (e.g., the reaper) reduced farm labor needs and increased production. ● Industrial development in cities created increased labor needs. ● Industrialization provided new access to consumer goods (e.g., mail order). ● Emergence of labor unions that barred African Americans ● Formation of the Brotherhood of Sleeping Car Porters and Maids
USII.4e	**Women's suffrage movement** ● Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, and Lucy Burns worked for women's suffrage. ● The movement led to increased educational opportunities for women. ● Women gained the right to vote with passage of the 19th Amendment to the Constitution of the United States.	**Women's ~~suffrage~~ movement** ● Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, and Lucy Burns worked for women's suffrage. ● The movement led to increased educational opportunities for women. ● Women gained the right to vote with passage of the 19th Amendment to the Constitution of the United States. ● The settlement houses were established to assist women and children as they moved from rural to urban areas (Hull House, Phyllis Wheatley YWCA).
USII.5a	**Essential Knowledge Reasons for the Spanish-American War** ● Protection of American business interests in Cuba ● American support of Cuban rebels to gain independence from Spain ● Rising tensions between Spain and the United States as a result of the sinking of the USS *Maine* in Havana Harbor ● Exaggerated news reports of events (yellow journalism)	**Essential Knowledge Reasons for the Spanish-American War** ● Protection of American business interests in Cuba ● American support of Cuban rebels to gain independence from Spain ● Rising tensions between Spain and the United States as a result of the sinking of the USS *Maine* in Havana Harbor ● African American troops participated in the Spanish-American War although their contributions were ignored. An example was the credit the Rough Riders were given in taking San Juan Hill when it was the 24th Infantry and the 9th and 10th Cavalry units that helped to take the hill. ● Exaggerated news reports of events (yellow journalism)

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Standard	Original language	AAHEC Recommendation
USII.5c		**African Americans in WWI** • The 369th Infantry Regiment, formerly known as the 15th New York National Guard Regiment ("Harlem Hellfighters") distinguished themselves during the war • WWI was the first war in which the U.S. Navy was segregated (African American men relegated to corpsmen or messmen)
USII.6a	**Ways electrification changed American life** • Labor-saving products (e.g., washing machines, electric stoves, water pumps) • Electric lighting • Entertainment (e.g., radio) • Improved communications	**Ways electrification changed American life** • Labor-saving products (e.g., washing machines, electric stoves, water pumps) • Traffic lights • Refrigerated train cars • Electric lighting • Entertainment (e.g., radio) • Improved communications
USII.6b	**Great Migration north and west** • Jobs for African Americans in the South were scarce and low paying. • African Americans faced discrimination and violence in the South. • African Americans moved to cities in the North and Midwest in search of better employment opportunities. • African Americans also experienced discrimination and violence in the North and Midwest.	**Great Migration north and west** • Jobs for African Americans in the South were scarce and low paying. • African Americans faced discrimination and violence in the South. • World War I created opportunities for African Americans when immigration from Europe stopped and the needs of the military suddenly increased • African Americans moved to cities in the North and Midwest in search of better employment opportunities. • African Americans also experienced discrimination and violence in the North and Midwest, but enjoyed greater opportunities than in the South
USII.6c	**Essential Knowledge** **Cultural climate of the 1920s and 1930s** **Cultural climate of the 1920s and 1930s** • Art: Georgia O'Keeffe, an artist known for urban scenes and, later, paintings of the Southwest • Literature: F. Scott Fitzgerald, a novelist who wrote about the Jazz Age of the 1920s; John Steinbeck, a novelist who portrayed the strength of poor migrant workers during the 1930s • Music: Aaron Copland and George Gershwin, composers who wrote uniquely American music **Harlem Renaissance** African American artists, writers, and musicians based in Harlem revealed the freshness and variety of African American culture:	**Essential Knowledge** **Cultural climate of the 1920s and 1930s** • Art: Georgia O'Keeffe, an artist known for urban scenes and, later, paintings of the Southwest • Literature: F. Scott Fitzgerald, a novelist who wrote about the Jazz Age of the 1920s; John Steinbeck, a novelist who portrayed the strength of poor migrant workers during the 1930s; Ralph Ellison a novelist of the Harlem Renaissance, Zora Neale Hurston cultural anthropologists , Langston Hughes poet, novelist, and playwright; Countee Cullin poet of the Harlem Renaissance • Music: Aaron Copland and George Gershwin, composers who wrote uniquely American music **Harlem Renaissance** African American artists, writers, and musicians based in Harlem revealed the freshness and variety of African American culture: • Art: Jacob Lawrence, a painter who chronicled the experiences of the Great Migration through art • Literature: Langston Hughes, a poet who combined the experiences of African and American cultural roots • Music: Duke Ellington and Louis Armstrong, jazz musicians; Bessie Smith, a blues singer

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	• Art: Jacob Lawrence, a painter who chronicled the experiences of the Great Migration through art • Literature: Langston Hughes, a poet who combined the experiences of African and American cultural roots • Music: Duke Ellington and Louis Armstrong, jazz musicians; Bessie Smith, a blues singer	
USII.6d	**Impact on Americans** • A large number of banks closed, and other businesses failed. • One-fourth of workers were without jobs. • Large numbers of people were hungry and homeless. • Farmers' incomes fell to low levels.	**Impact on Americans** • A large number of banks closed, and other businesses failed. • One-fourth of workers were without jobs. • Large numbers of people were hungry and homeless. • African Americans were disproportionately impacted by the Great Depression and they were discriminated against when New Deal agencies were created, both in hiring, pay, and access. • Farmers' incomes fell to low levels.
USII.7b	**Essential Understandings** Despite initial Axis success in both Europe and the Pacific, the Allies persevered and ultimately defeated Germany and Japan. The Holocaust is an example of prejudice, discrimination, and genocide	**Essential Understandings** Despite initial Axis success in both Europe and the Pacific, the Allies persevered and ultimately defeated Germany and Japan. The Holocaust is an example of prejudice, discrimination, and genocide that targeted Jews and other groups.
USII.7b	**The Holocaust** ○ Imprisonment and killing of Jews and others in concentration camps and death camps	**The Holocaust** ○ Imprisonment and killing of millions of Jews and others in concentration camps and death camps
USII.7c	**Essential Knowledge** • American involvement in World War II brought an end to the Great Depression. Factories and workers were needed to produce goods to win the war. • Thousands of American women (e.g., Rosie the Riveter) took jobs in defense plants during the war. • Americans at home supported the war by conserving and rationing resources (e.g., victory gardens, ration books, scrap drives).	**Essential Knowledge** • American involvement in World War II brought an end to the Great Depression. Factories and workers were needed to produce goods to win the war. • More than 125,000 African Americans fought for the United States. • The Tuskegee Airmen and other units became famous for their valor and skill • Thousands of American women (e.g., Rosie the Riveter) took jobs in defense plants during the war. • African American men and women worked in the industries that supported the Allied war effort • Americans at home supported the war by conserving and rationing resources (e.g., victory gardens, ration books, scrap drives). • The need for workers temporarily broke down some racial barriers (e.g., hiring in defense plants), although discrimination against African Americans continued.

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Standard	Original language	AAHEC Recommendation
	• The need for workers temporarily broke down some racial barriers (e.g., hiring in defense plants), although discrimination against African Americans continued.. • While many Japanese Americans served in the armed forces, others were treated with distrust and prejudice, and many were forced into internment camps in the United States.	• The service of African Americans in the war, especially against the racist Nazis, encouraged them to press for their rights in the United States. • While many Japanese Americans served in the armed forces, others were treated with distrust and prejudice, and more than one hundred thousand ~~many~~ were forced into internment camps in the United States. • Despite their commitment and service, African American remained segregated in the armed forces until President Harry Truman desegregated the armed forces in 1948 during the Korean Conflict.
USII.8d	**Essential Knowledge** **Factors leading to changing patterns in United States society** • Large number of women entering the labor force • Expansion of human rights • African Americans' aspirations for equal opportunities;	**Essential Knowledge** **Factors leading to changing patterns in United States society** • Large number of women entering the labor force • Increased urbanization and expansion of cities, resulting in a housing boom, which did not largely benefit African Americans. • Expansion of human rights • African Americans' aspirations for equal opportunities; they pushed to end all forms of segregation and discrimination against them.
USII.8d	**Policies and programs expanding educational and employment opportunities** • The G.I. Bill of Rights gave educational, housing, and employment benefits to veterans.	**Policies and programs expanding educational and employment opportunities** • The G.I. Bill of Rights gave educational, housing, and employment benefits to veterans. The GI bill enabled many to enter professions, such as medicine, law, and academics.
USII.9a	**Essential Knowledge** **Some effects of segregation** • Separate educational facilities and resources • Separate public facilities (e.g., restrooms, drinking fountains, restaurants) • Segregated and disadvantaged neighborhoods Social isolation and residential segregation	**Essential Knowledge** **Some effects of segregation** • Separate and unequal educational facilities and resources • Separate and unequal public facilities (e.g., restrooms, drinking fountains, restaurants)
USII.9a	• Social isolation and residential segregation	• Segregated and disadvantaged neighborhoods ~~Social isolation and residential segregation~~ • Exclusion from well-paying jobs • Undermining of wealth building by low property values in segregated neighborhoods • Unpunished violence against African Americans
USII.9a	**Civil Rights Movement** • Opposition to *Plessy v. Ferguson*: "Separate but equal"	**Civil Rights Movement** • Opposition to *Plessy v. Ferguson*: "Separate but equal" • Student walkout of 1951 at Moton High School led by Barbara Johns

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	• *Brown v. Board of Education*: Desegregation of schools • Martin Luther King, Jr.: Passive resistance against segregated facilities; "I have a dream…" speech • Rosa Parks: Montgomery bus boycott • Organized protests, Freedom Riders, sit-ins, marches, boycotts	• *Brown v. Board of Education*: Desegregation of schools • Killing of Emmett Till in Mississippi became a national scandal because of the photographed open casket • Martin Luther King, Jr.: Passive resistance against segregated facilities; "I have a dream…" speech • Rosa Parks: Montgomery bus boycott • Organized protests, Freedom Riders, sit-ins, marches, boycotts • Bombing of churches and homes by white opponents of the Civil Rights movement
USII.9a	**Changing role of women**	**Changing role of women** • The *Me, Too* movement, founded in 2006 to raise awareness of sexual abuse and assault in society, developed into a broader movement in 2017 with use of #MeToo on social media, started by African American woman.
USII.9d	**Immigration** • Changing immigration policies • More people try to immigrate to the United States than are allowed by law	**Immigration** • Changing immigration policies • More people try to immigrate to the United States than are allowed by law although many policies still included racial limitations

Course: Virginia and United States History

Standards	Original Language	AAHEC Recommendations
VUS.1h	Use a cost-benefit analysis chart: • The rise of women's participation in labor unions led to increased activism for pay equity, maternity leave, and childcare. • Married women's labor participation rose after World War II as public opinion slowly started to change as a result of their success during the war.	Use a cost-benefit analysis chart: • The rise of women's participation in labor unions led to increased activism for pay equity, maternity leave, and childcare. This did not apply to domestic workers, many of whom were African Americans. • Married white women's labor participation rose after World War II as public opinion slowly started to change as a result of their success during the war. African American women were already working outside of the home.
VUS.1j	○ Andrew Jackson: Hero or villain? ○ Cotton gin: Good or bad for the United States?	○ Andrew Jackson: Did he promote or hinder democracy? ○ Cotton gin: Good or bad for the United States?
VUS.2a		• The Virginia House of Burgesses wrote the Virginia Slave Codes. All of the English colonies established slavery between the period of their founding or no later than the 1750s. Each of the colonial governments used Virginia's Slave Codes as a model for restricting the rights of free blacks and for the treatment of enslaved people.

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Standards	Original Language	AAHEC Recommendations
VUS.2b	**Interactions among American Indians, Europeans, and Africans** ● The first Africans were brought against their will to Jamestown Virginia, in 1619 to work on tobacco plantations. The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led an enslaved labor force. ● This system eventually led to the introduction of African slavery in British North America.	**Interactions among American Indians, Europeans, and Africans** ● The first Africans were brought against their will to Old Point Comfort (Fort Monroe), Virginia, in 1619 to work on plantations, were taken from the Ndongo which is modern-day Angola . The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led wealthy English colonists to adopt an enslaved labor force despite their fear of bringing an alien people into the colony. This system eventually led to the introduction of African slavery in British North America. ● English colonization and enslavement were parts of an interconnected system of domination across the Atlantic world. By the time of English settlement in North America a vast network of chattel slavery had long shipped enslaved people from African ports to plantations and mines in South America and the Caribbean ● The first African people brought to British North America had been seized from slave-trading ships by pirates, who then brought "twenty and odd" Africans to trade for food in Virginia British North America would remain on the margins of the Atlantic slave trade, importing 6 percent of all enslaved Africans brought to the New World, and yet enslavement would grow in importance over the decades after 1619. ● Virginia's English colonists struggled to adapt Atlantic slavery to their law, culture, and religion. Over the half century after 1619 white Virginians made those adaptations so that by the 1660s racial slavery had been firstly established. Conversion to Christianity would not free people from bondage and any child born to an enslaved woman was claimed as the property of the people who held title to her.
VUS.3a	**Economic characteristics of the colonial period** ● A strong belief in private ownership of property and free enterprise characterized colonial life everywhere.	**Economic characteristics of the colonial period** ● Private ownership of property characterized colonial life everywhere, although these practices were guided by racism. The practice of ownership included the enslavement of human beings as chattel.
VUS.3b	**Social characteristics of the colonies** ● New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. ● The middle colonies were home to multiple religious groups	**Social characteristics of the colonies** ● New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. Both colonies established a system of enslavement that included both Africans and Native Americans. ● The middle colonies were home to multiple religious groups who generally believed in religious tolerance, including Quakers in Pennsylvania, Huguenots and Jews in New York, and Presbyterians in New Jersey. These colonies had more flexible social structures for

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Standards	Original Language	AAHEC Recommendations
	who generally believed in religious tolerance, including Quakers in Pennsylvania, Huguenots and Jews in New York, and Presbyterians in New Jersey. These colonies had more flexible social structures and began to develop a middle class of skilled artisans, entrepreneurs (business owners), and small farmers. ● Virginia and the other Southern colonies had a social structure based on family status and the ownership.	the European immigrants and began to develop a middle class of skilled artisans, entrepreneurs (business owners), and small farmers. For Africans and Native Americans, the environment included enslavement and racial intolerance. ● Virginia and the other Southern colonies had a social structure based on family status and the ownership of land and, increasingly, enslaved people.
VUS.3b	**Political life in the colonies** ● New England colonies used town meetings (an Athenian direct democracy model) in the operation of government.	**Political life in the colonies** ● New England colonies used town meetings (an Athenian direct democracy model) in the operation of government. ● The first court case that began the process of enslaving Africans was John Punch in 1640.
VUS.3c	**Essential Understandings** American colonial reliance on a cheap, eventually conflicted with the founding principles established in the Declaration of Independence. **Essential Knowledge** **The development of indentured servitude and slavery** ● Although all American colonies adopted African slavery as their primary non-free labor system, the growth of a plantation-based agricultural economy in the hot, humid coastal lowlands of the Middle and Southern colonies required a cheap labor source on a large scale. ● Some of the labor needs, especially in Virginia were met by indentured servants, who were often poor persons from England, Scotland, or Ireland who agreed to work on plantations for a period of time in return for their passage from Europe or relief from debts. ● Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger and larger numbers of enslaved Africans,, were forcibly brought	**Essential Understandings** American colonies relied colonial reliance on a cheap, enslaved labor force transported from Africa and the Caribbean. eventually conflicted with the founding principles established in the Declaration of Independence. **Essential Knowledge** **The development of indentured servitude and slavery** ● Although all American colonies adopted African slavery as their primary non-free labor system, the growth of a plantation-based agricultural economy in the hot, humid coastal lowlands of the Middle and Southern colonies depdended on required a cheap labor source on a large scale. ● The growth of a plantation-based agricultural economy in the hot humid coastal lowlands developed into a system that depended heavily on a large enslaved labor force to maximize profits for the wealthiest landowners who represented a small percentage of the population. Slave traders sought out people from parts of Africa, now known as Senegal and Gambia, who were known for their knowledge about rice cultivation to be sold as slaves. ● Some of the labor needs, especially in Virginia in early decades of settlement, were met by indentured servants, who were often poor persons from England, Scotland, or Ireland who agreed to work on plantations for a period of time in return for their passage from Europe or relief from debts. ● Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger and larger numbers of enslaved Africans, for nearly two thousands years, were forcibly brought to the American colonies via the Middle Passage.

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	to the American colonies via the Middle Passage. ● The development of a slavery-based agricultural economy in the Southern colonies eventually led to conflict between the North and South in the American Civil War.	● British North America developed the only enslaved society in the New World that biologically reproduced itself because of moderate climate and crops that did not repay working enslaved people to the point of death, as they were in sugar colonies and mines elsewhere in the Western Hemisphere. As a result, the enslaved population of British North America would grow into the largest in the New World by the early nineteenth century.The development of a slavery-based agricultural economy in the Southern colonies eventually led to conflict between the North and South in the American Civil War.
VUS.4a	**The French and Indian War** ● Was the first step on the road to the American Revolution	**The French and Indian War** ● Turned out to be Was the first step on the road to the American Revolution
VUS.4c		**Differences among the colonists** Enslaved People ○ Many of the people held in slavery sought to use the war to pursue their own freedom ○ Ten thousand African Americans fought with the British against the white colonists who held them in slavery
VUS.4e		**The Declaration of Independence** ● The Declaration of Independence blamed the English for the growing system of African slavery that dominated the economies of the Southern colonies.
VUS.5a	**The Articles of Confederation** American political leaders, fearful of a powerful central government like Britain's, created a weak national system of government. Significant powers given to the states ultimately made the national government ineffective. The Articles of Confederation ● provided for a weak national government	**The Articles of Confederation** American political leaders, fearful of a powerful central government like Britain's, created a weak national system of government. Significant powers given to the states ultimately made the national government ineffective. The Articles of Confederation ● provided for a weak national government
VUS.5b	**Key issues and their resolutions** ● Appeased the Southern states by counting slaves as three-fifths of the population when determining representation in the United States House of Representatives ● Avoided a too-powerful central government by establishing three co-equal branches (legislative, executive, judicial) with numerous checks and balances among them providing for separation of powers	**Key issues and their resolutions** ● Appeased the Southern states by counting slaves as three-fifths of the population when determining representation in the United States House of Representatives while avoiding mention of slavery by name. ● Established Avoided a too-powerful central government by establishing three co-equal branches (legislative, executive, judicial) with numerous checks and balances among them providing for separation of powers
VUS.6a		**Early stages of territorial expansion** ● White settlers had fought against indigenous peoples from the first months of their arrival across the generations that followed

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		• American governments wrote treaties with many indigenous peoples that were frequently broken • The rapid expansion of the white population disturbed the economies and cultures of the indigenous peoples in every part of North America. Settlers frequently pushed illegally on to lands controlled by the American Indians.
VUS.6a\ (cont'd)	**Impact on the American Indians** • The belief that it was America's Manifest Destiny to stretch from the Atlantic to the Pacific provided political support for territorial expansion. • During this period of westward migration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers and forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears, when several tribes were relocated from Atlantic Coastal states to present-day Oklahoma) or confined to reservations.	**Impact on the American Indians** • The belief that it was America's Manifest Destiny to stretch from the Atlantic to the Pacific provided political support for territorial expansion. • American Indians adapted to waves of white settlers and, in the South, a million enslaved people brought to lands the indigenous peoples had occupied for hundreds or even thousands of years. They became Christian, grew crops for market, reordered gender relations, developed written languages, and adopted the enslavement of people of African descent, but these changes did not appease white settlers and politicians who agitated for the complete removal of Native peoples.. • During this period of westward migration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers and • In the 1830s, the last Native people were forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears, when Cherokee, Choctaw, Chickasaw, Creek, and Seminole peoples several tribes were relocated from Atlantic Coastal states the South to present-day Oklahoma) or confined to reservations. • The forced migrations led to the deaths of up to a third of the indigenous people forced to move with inadequate supplies and protection.
VUS.6b		The acquistion of Texas created a vast new area for the expansion of slavery. White southerners flooded into Texas and imported hundreds of thousands of enslaved people from the older states of the South.
VUS.6c		**Economic impact of the War of 1812** • the rapid expansion of slavery into lands taken from American Indians
VUS.6d	**Essential Understandings** Although the Age of Jackson led to an increase in democracy political tensions and nativist tendencies impacted the American political climate.	**Essential Understandings** Although the Age of Jackson led to an increase in democracy for white men, his party led the effort to drive the American Indians of the South from their homes and opposed the abolitionists. The Whigs arose in opposition to Andrew Jackson and supported temperance and the use of the government for economic development. The Know-Nothings were the first of a series of political efforts to oppose immigration and immigrants. Most abolitionists considered the political system too corrupt and in the service of the slave South to be of use, his party led the effort to drive the American Indians of the South from their homes and opposed the abolitionists. The Whigs supported temperance and the use of the government for economic development. The Know-Nothings were the

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		first of a series of political efforts to oppose immigration and immigrants. Most abolitionists considered the political system too corrupt and in the service of the slave South to be of use. political tensions and nativist tendencies impacted the American political climate.
VUS.6d	**The "Age of the Common Man"** • Universal manhood suffrage increased the electorate	**The "Age of the Common Man"** • Universal white manhood suffrage increased the electorate
VUS.6e	**Essential Understandings** As the nation struggled to resolve sectional issues, compromises were developed to defuse a series of political crises.	**Essential Understandings** As the nation struggled to resolve sectional issues over the future of slavery, compromises were developed to defuse a series of political crises.
VUS.6e	**Sectional tensions caused by competing economic interests** • The industrial North favored high protective tariffs to protect Northern manufactured goods from foreign competition. • The agricultural South opposed high tariffs that made the price of imports more expensive.	**Sectional tensions caused by competing economic interests** • The industrial North favored high protective tariffs to protect Northern manufactured goods from foreign competition. • The plantation-based agricultural South opposed high tariffs that made the price of imports more expensive. Slavery expanded west with great speed, dominating one new state after another from the east coast to Texas and Arkansas.
VUS.6e	**Sectional tensions caused by debates over the nature of the Union** • South Carolinians, in the South Carolina Exposition and Protest, argued that sovereign states could nullify the Tariff of 1832 and other acts of Congress. A union that allowed state governments to invalidate acts of the national legislature could be dissolved by states seceding from the Union in defense of slavery (Nullification Crisis). • President Jackson threatened to send federal troops to collect the tariff revenues and uphold the power of federal law.	**Sectional tensions caused by debates over the nature of the Union** • South Carolinians, in the South Carolina Exposition and Protest, argued that sovereign states could nullify the Tariff of 1832 and other acts of Congress. A union that allowed state governments to invalidate acts of the national legislature could be dissolved by states seceding from the Union in defense of slavery (Nullification Crisis). South Carolina leaders sought to check the power of the federal government, which they feared might interfere with slavery's expansion • President Jackson threatened to send federal troops to collect the tariff revenues and uphold the power of federal law.
VUS.6e	**Sectional tensions caused by the institution of slavery** • Slave revolts in Virginia, led by Nat Turner and Gabriel Prosserfed white Southerners' fears about slave rebellions and led to harsh laws in the South against fugitive slaves. Southerners who favored abolition were intimidated into silence. • Northerners, led by William Lloyd Garrison, publisher of	**Sectional tensions caused by the institution of slavery** • Slave revolts in Virginia, led by Gabriel (Prosser) in 1800 and Nat Turner and Gabriel Prosser in 1831, fed white Southerners' fears about slave rebellions and led to severe restrictions on privileges for free blacks and harsh laws in the South against fugitive slaves. Southerners who favored abolition were intimidated into silence. • Abolitionists Northerners, led by William Lloyd Garrison, publisher of *The Liberator*, increasingly viewed the institution of slavery as a violation of Christian principles and argued for its abolition. Southerners grew alarmed by the growing force of the

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	The Liberator, increasingly viewed the institution of slavery as a violation of Christian principles and argued for its abolition. Southerners grew alarmed by the growing force of the Northern response to the abolitionists.	Northern response to the abolitionists. Although abolitionists accounted for only 2 percent of the northern population, they won a great deal of attention and animosity, in the North as well as the South.
VUS.6e	**The women's suffrage movement** ● Seneca Falls Declaration	**The women's suffrage movement** ● Seneca Falls Declaration of 1848
VUS.6f	**Essential Understandings** America's desire to gain land from the Atlantic to the Pacific ultimately led to a resurgence of regional interests.	**Essential Understandings** America's desire to gain land from the Atlantic to the Pacific ultimately led to a resurgence of regional interests. America wanted to take land from American Indians and Mexico to expand from the Atlantic to the Pacific, leading to conflict between the North and the South as both slavery and free settlers moved west.
VUS.6g	**Essential Understandings** The events of the 1850s, combined with the lack of strong presidential leadership, led to the secession of Southern states. Sectional tensions originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states. **Essential Knowledge** **Causes of the Civil War** ● Sectional disagreements and debates over tariffs, extension of slavery into the territories, nature of the Union (states' rights) ● While there were several differences between the North and the South, ● Northern abolitionists vs. Southern defenders of slavery ● Publication of *Uncle Tom's Cabin* by Harriet Beecher Stowe ● United States Supreme Court decision in the Dred Scott case ● A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South all of them based in slavery eventually resulted in the Civil War. The events of the 1850s, combined with the lack of strong presidential leadership, led to the secession of Southern states. Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states. **Essential Knowledge** **Causes of the Civil War** ● Sectional disagreements and debates over tariffs, extension of slavery into the territories, and the relative power of the states and the federal government nature of the Union (states' rights) ● While there were several differences between the North and the South, The issues related to slavery increasingly divided the nation and led to the Civil War. Much of America's economy revolved around the institution of slavery, which accounted for a large share of America's exports. ● Northern abolitionists vs. Southern defenders of slavery ● A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act ● Publication of *Uncle Tom's Cabin* by Harriet Beecher Stowe in response to the Fugitive Slave Act ● United States Supreme Court decision in the Dred Scott case ● The creation of the Republican Party in the mid-1850s, explicitly devoted to stopping the spread of slavery in the territories. ● A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act
VUS.7a		**Major events**

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		• Juneteenth: was celebrated on June 19, 1865, when enslaved people in Texas finally became free when the United States Army arrived and enforced the Emancipation Proclamation •

VUS.7a	**Key leaders and their roles**
	• Robert E. Lee
	  ○ Confederate general of the Army of Northern Virginia
	  ○ Opposed secession, but did not believe the Union should be held together by force
		Key leaders and their roles
		• Robert E. Lee
		  ○ Confederate general of the Army of Northern Virginia
		  ○ After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause rather than the creation of a new nation based on slavery
		  ○ Opposed secession, but did not believe the Union should be held together by force

VUS.7b	**Abraham Lincoln's leadership** • Initial goal: Preserve the Union,	**Abraham Lincoln's leadership** • Initial goal: Preserve the Union, even if that meant leaving slavery in place
VUS.7b	**Emancipation Proclamation** • Developed after enslaved African Americans given asylum at Fort Monroe were declared "contraband of war" • Freed those slaves located in the "rebelling" states (Southern states that had seceded) • Made the abolition of slavery a Northern war aim • Discouraged any interference of foreign governments • Allowed for the enlistment of African American soldiers in the Union Army	**Emancipation Proclamation** • Developed after enslaved African Americans given asylum at Fort Monroe were declared "contraband of war" • Lincoln issued the Emancipation Proclamation as a military necessity • Freed those enslaved people slaves located in the "rebelling" states (Southern states that had seceded) • Made the abolition of slavery a Northern war aim • Discouraged any interference of foreign governments • Allowed for the enlistment of African American soldiers and sailors in the Union ArmyUnited States military
VUS.7c	**Essential Knowledge** **African Americans** • African Americans served in the Union Army and Navy following the implementation of the Emancipation Proclamation. • African Americans served as a part of contraband armies and aboard Union naval ships. • Enslaved African Americans seized the opportunity presented by the approach of Union troops to achieve freedom. • Many fought with distinction and were eventually paid salaries that were equal to those of white soldiers. **Common soldiers** • Warfare.often involved hand-to-hand combat.	**Essential Knowledge** **African Americans** • Nearly two hundred thousand African Americans served in the United States Union Army and Navy following the implementation of the Emancipation Proclamation. African Americans protested against being paid less than white soldiers and sailors. • African Americans served as a part of contraband armies and aboard Union naval ships. • Enslaved African Americans seized the opportunity presented by the approach of Union troops to achieve freedom. • Many fought with distinction and were eventually paid salaries that were equal to those of white soldiers. • African American soldiers and sailors were discriminated against and served in segregated units under the command of white officers • Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He was elected to the United States House of Representatives after the war. **Common soldiers**

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	• After the war, especially in the South, soldiers returned home to find destroyed homes and poverty. Soldiers on both sides lived with permanent disabilities. **Women** • Managed homes and families with scarce resources • Often faced poverty and hunger as evidenced by Bread Riots in Richmond, Virginia • Assumed new roles in agriculture, nursing, and war industries	• Warfare was costly, but disease killed more men than did bullets.often involved hand-to-hand combat. • The white South lost nearly a quarter of its military-aged white men to death and many more through illness and disability. • After the war, especially in the South, soldiers returned home to find destroyed homes and poverty. Soldiers on both sides lived with permanent disabilities. • After African American soldiers and sailors returned home from the war were targeted for violence. **Women** • Managed homes and families with scarce resources • Often faced poverty and hunger as evidenced by Bread Riots in Richmond, Virginia • Assumed new roles in agriculture, nursing, and war industries • Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, a abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy.
VUS.7e		**Essential Knowledge** **Political effects** • Reconstruction attempted to create legal equality for people formerly held in slavery. • The Amendments to the Constitution during Reconstruction laid the basis for the eventual equality for all Americans. • Rights that African Americans had gained were lost through "Jim Crow" laws that segregated black and white Southerners from one another. **Economic impact** • The North and Midwest emerged with strong and growing industrial economies, laying the foundation for the sweeping industrialization of the nation (other than the South) in the next half-century and the emergence of the United States as a global economic power by the beginning of the twentieth century. The Southern economy recovered in the 1880s and grew rapidly producing lumber, coal, and cotton.
VUS.8a	**Essential Understandings** This growth, while positive for some, resulted in more displacement for American Indians.	**Essential Understandings** This growth, while positive for some, resulted in more displacement for American Indians. destroyed ways of life that American Indians had practiced for centuries and dispossessed them from their homes.
VUS.8a	**Essential Knowledge** **Westward movement** • The years immediately before and after the Civil War were the era of the American cowboy, marked by long cattle drives for hundreds of miles over unfenced open land in the West, which was the only way to get cattle to market	**Essential Knowledge** **Westward movement** • The years immediately before and after the Civil War were the era of the American cowboy, marked by long cattle drives for hundreds of miles over unfenced open land in the West, which was the only way to get cattle to market before the spread of railroads soon thereafter..

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
VUS.8b	**Inventions/innovations** • Corporation (limited liability) • Bessemer steel process • Light bulb (Thomas Edison) and electricity as a source of power and light • Telephone (Alexander Graham Bell) • Airplane (Wright brothers) • Assembly-line manufacturing (Henry Ford) **Industrial leaders** • Andrew Carnegie (steel) • J. P. Morgan (finance) • John D. Rockefeller (oil) • Cornelius Vanderbilt (railroads) **Emergence of leisure activities** • Vaudeville shows	**Inventions/innovations** • Corporation (limited liability) • Bessemer steel process • Light bulb (Thomas Edison) and electricity as a source of power and light • Filament for light bulb (Lewis Lattimer) • Telephone (Alexander Graham Bell) • Airplane (Wright brothers) • Assembly-line manufacturing (Henry Ford) • Gas Mask & Traffic Light (Garrett Morgan) **Economic Industrial leaders** • Andrew Carnegie (steel) • J. P. Morgan (finance) • John D. Rockefeller (oil) • Cornelius Vanderbilt (railroads) • "Madame CJ Walker" - Sarah Breedlove (hair products & cosmetics) **Emergence of leisure activities** • Vaudeville & minstrel shows
VUS.8d	**Essential Knowledge** **Discrimination against and segregation of African Americans** • Laws limited freedoms for African Americans. • After Reconstruction, many Southern state governments passed "Jim Crow" laws forcing separation of the races in public places. • Intimidation and crimes were directed against African Americans (lynchings). • African Americans looked to the courts to safeguard their rights. • In *Plessy v. Ferguson*, the Supreme Court ruled that "separate but equal" did not violate the 14th Amendment, upholding the "Jim Crow" laws of the era. • During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty and discrimination in the South. • Many African Americans eventually found that the North was not much unlike the South when it came to racial attitudes and its use of subtle ways to	**Essential Knowledge** **Discrimination against and segregation of African Americans** • Laws limited freedoms for African Americans. • After Reconstruction, many Southern state governments passed "Jim Crow" laws forcing separation of the races in public places. • Intimidation and crimes were directed against African Americans (lynchings). • African Americans looked to the courts to safeguard their rights. • In *Plessy v. Ferguson*, the Supreme Court ruled that "separate but equal" did not violate the 14th Amendment, upholding the "Jim Crow" laws of the era. • During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty and discrimination in the South. African Americans also experienced discrimination and violence in the North and Midwest, but had greater opportunities than were available to them in the South. • Mob violence, such as in Danville in 1883 • Many African Americans eventually found that the North was not much unlike the South when it came to racial attitudes and its use of subtle ways to enforce the separation of the races. **Lynching** • Lynching was the illegal killing of people by gangs of violent vigilantes • Lynching occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South

AMERICAN OVERSIGHT

Standards	Original Language	AAHEC Recommendations
	enforce the separation of the races.	• Lynching was meant to intimidate African Americans from asserting themselves in any way, including politically • Lynching grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed
VUS.8e	**Growth of cities** • As the nation's industrial growth continued, cities such as Chicago, Detroit, Cleveland, Pittsburgh, and New York grew rapidly as manufacturing and transportation centers. Factories in the large cities provided jobs, but workers' families often lived in harsh conditions, crowded into tenements and slums.	**Growth of cities** • As the nation's industrial growth continued, cities such as Chicago, Detroit, Cleveland, Pittsburgh, and New York grew rapidly as manufacturing and transportation centers. Factories in the large cities provided jobs, but workers' families often lived in harsh conditions, crowded into tenements and slums. Cities such as Atlanta, Birimingham, Dallas, and Houston also grew rapidly in the South, though without many immigrants. **Industrialization: Formation of labor unions** • Brotherhood of the Sleeping Car Porters & Maids led by A. Philip Randolph & Chancellor Owens
VUS.8f		**Changes in voting laws in the South disenfranchised African American male voters** • Every southern state revised their constitutions and voting laws in this period • Each change was put forward as a reform and aligned with those of the rest of the country, especially secret ballots, literacy tests, and poll taxes • The changes, however, greatly reduced the ability of African Americans in the South to vote, along with poorer white people • Strengthened segregation laws were also touted as progressive changes to bring stability to the southern social order
VUS.9a		**Racial conflict in the Spanish-American War and the Philippines** • African American soldiers and sailors eagerly enlisted to fight but were kept in segregated units • The Wilmington Insurrection of 1898 in North Carolina saw white political leaders illegally and violently remove black officeholders • The long fight against the Filipinos after the American arrival was often interpreted in the United States as a struggle between white and "colored" peoples
VUS.9b		**Great Migration** • More than 350,000 African Americans fought for the Allied forces, often restricted to support roles but sometimes on the front lines • During the war immigration from Europe stopped and factories in the North needed laborers; millions of black people from the South moved to the cities of the Northeast and Midwest • The Great Migration continued through the 1920s. creating opportunities for African Americans in housing, education, and politics
VUS.10a		**Harlem Renaissance**

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Standards	Original Language	AAHEC Recommendations
		• African Americans, following the Great Migration of World War I and the 1920s, created vibrant cultural communities in the North • One of the most prominent areas of black life was Harlem in New York City, filled with vibrant music and entertainment • A number of important poets and writers emerged in that community, including Langston Hughes, Countee Cullen, Zora Neale Hurston, Anne Spencer • The jazz produced in the 1920s and 1930s in Harlem and other centers of black population became popular worldwide
VUS.10d		**New Deal (Franklin Roosevelt)** • Franklin D. Roosevelt was the first president to have an entirely African American advisors who served in a "kitchen cabinet". • The Social Security Act offered safeguards for workers, except for domestic workers. • African Americans were discriminated against in these government programs.
VUS.11d		**Essential Knowledge** **Minority participation** • 125,000 African Americans fought overseas in World War II
VUS.12c	**Essential Knowledge** **American military forces during the Cold War** • During the Cold War era, millions of Americans served in the military, defending freedom in wars and conflicts that were not always popular. Many were killed or wounded. As a result of their service, the United States and American ideals of democracy and freedom ultimately prevailed in the Cold War struggle with Soviet communism.	**Essential Knowledge** **American military forces during the Cold War** • In 1948 President Harry S. Truman ordered the desegregation of the armed forces of the United States, which took place during the Korean War. • During the Cold War era, millions of Americans served in the military, defending freedom in wars and conflicts that were not always popular. Many were killed or wounded. As a result of their service, the United States and American ideals of democracy and freedom ultimately prevailed in the Cold War struggle with Soviet communism.
VUS.12d		**The Vietnam War** • African Americans were drafted and sent to the front lines in disproportionate numbers.

VUS.13c		**Essential Knowledge**
		National Association for the Advancement of Colored People (NAACP)
		• The Lynching of Emmett Till (1955) - Emmett Till's lynching in Mississippi and the acquittal of his killers gained international media attention and inspired demands for civil rights
		• The Southern Christian Leadership Conference (SCLC)
		  ○ A civil rights organization led by Martin Luther King, Jr.
		  ○ The SCLC supported the use of nonviolent direct action such as boycotts, sit-ins, marches, and other demonstrations.

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Standards	Original Language	AAHEC Recommendations
		○ African American women represented the majority of the membership despite being denied positions of leadership. African American women were often the major drivers of the civil rights initiatives of the SCLC. ● The Student Non-Violent Coordinating Committee (SNCC) ○ Inspired by the Greensboro sit-in by four black college students in North Carolina ○ Initially formed as a student chapter of SCLC, but became an independent civil rights organization for young people **Civil Rights Act of 1964** ● The Birmingham Campaign led by Martin Luther King, Jr. and SCLC convinced President Kennedy to publicly call for new civil rights legislation. Media coverage of Bull Connor's violent tactics against student demonstrators led to greater national support of the Civil Rights Movement. **Voting Rights Act of 1965** ● The March from Selma to Montgomery was a demonstration against voter discrimination and police brutality. John Lewis led the first day of the march when peaceful demonstrators were attacked by Alabama State Police in what became known as "Bloody Sunday."
VUS.13e		**President William J. Clinton, 1993–2001** ● Don't ask, don't tell military policy
VUS.13e	**President Barack H. Obama, 2009–2016** ● Patient Protection and Affordable Care Act of 2010	**President Barack H. Obama, 2009–2016** ● Patient Protection and Affordable Care Act of 2010 Called for Congress to pass legislation to reform health care in the United States Patient Protection and Affordable Care Act of 2010, popularly known as "Obamacare" that has provided medical care for millions of Americans
VUS.14c		**evolving and changing role of government, including its role in the American economy** **President William J. Clinton, 1993 -2001** ● Oversaw a period of great economic prosperity ● Practiced fiscal restraint and saw budget deficits decrease

AMERICAN OVERSIGHT

African American History Commission (AAHEC): Committee Recommendation to the History Standards Review Process

***Items in orange signify new addition to the process**

1. Timeline	• Timeline of the review process is presented to the Virginia State Board of Education (VBOE)
2. Public Comment *Outreach	• In addition to the regular channels of communication, provide outreach to specific groups to collect regional feedback from divisions, family and students, educators, community groups, and regional educator representatives. • Create a survey to collect feedback.
3. Educator Committees *Expand Group	• Educators are convened to review and revise the Standards based on content knowledge, expertise, experience, and geographic location. • Groups should include but not limited to: at least one regional representative for each grade/course and recommendations from division superintendent. • Expand group from 30 to make sure range of expertise is represented.
4. External Committees *Expand Group	• Expand members of the External Group to include members from various backgrounds, experiences, expertise, and geographic location. • Expand group from 40 to make sure range of expertise is represented. • Group should include, but is not limited to: Institutions of higher education (IHE) for pedagogy, IHE and historians for accuracy, museums for cultural needs.
5. Steering Committee	• Create a Steering Committee made up of members from the Educator and External Committees to review all of the feedback. • Steering Committee includes all regions and various backgrounds and expertise.
6. VDOE Review	• Virginia Department of Education (VDOE) leadership reviews and provides feedback on the proposed revisions.
7. Virginia State Board of Education Review	• The proposed revised Standards are taken to the VBOE for first review.

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8. Public Comments and Hearings *Outreach	• In addition to the regular channels of communication, provide outreach to specific groups to collect regional feedback from divisions, family and students, educators, community groups, and regional educator representatives.
9. Standards Review	• Standards are reviewed and revised again based on public comments and feedback from hearings.
10. Final Review	• The proposed revised Standards are taken to the VBOE for final review. • The Board approves Standards or postpones for additional review and/or revisions.
11. Curriculum Framework	• Repeat process for the *Curriculum Framework*. • Gear *Curriculum Framework* towards deeper thinking to support performance tasks and assessments.
12. Resources *Expand	• After the *Curriculum Framework* is completed, bring together the steering committee to brainstorm resources including an enhanced scope and sequence document. • As the resources are revised, the African American History elective course will be reviewed & updated.
13. Textbooks	• VDOE Leadership and VBOE determine next steps for textbooks. • Since history continually changes and evolves, explore if there is an alternative way to deliver current content to support more robust instruction.
14. Ongoing	• Include members from the steering committee, educators, and division equity coordinators to support on going resources and professional development including: cultural proficiency, resources and elective course.

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Appendix F: List of Resources, Scholars, and Partner Organizations to Support Implementation

Resources to Support Implementation

- Robin DiAngelo, *White Fragility: Why It's So Hard for White People to Talk About Racism* (understanding the impact of white socialization in our culture)
- Equity Literacy Institute (provides free self-paced mini courses for a primer on equity and equity literacy)
- Geneva Gay, *Culturally Responsive Teaching: Theory, Research, and Practice*
- Zaretta Hammond, *Culturally Responsive Teaching & the Brain*
- Ibram Kendi, *How to be an Anti-Racist* (provides strategies to deconstruct racism)
- Gloria Ladson-Billings, *The Dreamkeepers: Successful Teachers of African American Children*
- Bettina Love, *We Want to Do More Than Survive: Abolitionist Teaching and the Pursuit of Educational Freedom*
- Django Paris, *Culturally Sustaining Pedagogies: Teaching and Learning for Justice in a Changing World*
- Glenn Singleton, *Courageous Conversation About Race: A Field Guide for Achieving Equity in Schools* (race identity)
- University of Virginia School of Education, A Center for Race and Public Education in the South
- Virginia Commonwealth University, School of Education

Scholars and Partners for Collaboration

- 1619 Project
- ADL
- African American Museum Association
- Derrick Alridge (Educational Historian)
- Association for the Study of African American Life and History (ASALH)
- Ed Ayers (Historian)
- Black History Museum
- Carter Center for K-12 Black History Education, University of Missouri
- Carter G Woodson Institute for African-American and African Studies- UVA
- Civil Rights Stakeholder groups including but not limited to the NAACP and LULAC.
- Community Based Organizations
- Courageous Conversations - Pacific Education Group
- Ed Stakeholders (VASS, VSBA, VPTA)
- Equal Justice Initiative
- Equity Literacy Institute (provides free self-paced mini courses for a primer on equity and equity literacy)
- Facing History and Ourselves
- Geneva Gay (Education Researcher)
- George Mason University Center for History and New Media

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- Glenn Singleton (race identity)
- Zaretta Hammond (Education Researcher)
- Hampton University and the Hampton University Museum
- Claudrena Harold (Historian)
- Ibram Kendi (Historian)
- Gloria Ladson-Billings (Education Researcher)
- Library of Virginia
- Margot Lee Shetterly
- NABJ Brand Ambassador
- New American History, University of Richmond
- Cassandra Newby-Alexander (Historian)
- Norfolk State University
- Django Paris (Educational Researcher)
- Professional Standards of Educational Leaders (PSEL)
- Radford University IMPACT Lab
- Robin DiAngelo (understanding the impact of white socialization in our culture)
- Southern Poverty Law Center
- Teachers for Social Justice (www.teachersforjustice.org)
- Teachers in Movement Oral History Project, University of Virginia
- Teachers in the Movement Project at UVA (https://teachersinthemovement.com)
- Teaching for Change (www.teachingforchange.org)
- Vanessa Thaxton-Ward (Director, Hampton University Museum)
- UVA Center for Race and Public Education in the South
- Virginia Association of Museums
- Virginia Center for Inclusive Communities
- Virginia Commonwealth University School of Education
- Virginia Humanities
- Virginia Organizing
- Virginia State University College of Education and the Wallace Foundation University Principal Preparation Initiative
- Antoinette Waters (Teacher)
- Robert Watson (Historian)
- Zinn Education Project (http://zinnedproject.org)

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 12:55:55 PM
To: "Rosa Atkins" <rosa.atkins@doe.virginia.gov>
Cc:
Subject: Fwd: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Elizabeth Schultz** <elizabeth.schultz@doe.virginia.gov>
Date: Tue, Mar 1, 2022 at 10:56 AM
Subject: Hearing: Judiciary Committee Speakers
To: <elizabeth.schultz@doe.virginia.gov>

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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES
Witness List

TIME	DATE	PLACE
10:00 a.m.	**Tuesday, March 1, 2022**	**2141 Rayburn House Office Building**

Subject: Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

Panel One:

The Honorable André Carson
Member of Congress

The Honorable Judy Chu
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Ilhan Omar
Member of Congress

Panel Two:

Maya Berry
Executive Director
Arab American Institute

Shoba Sivaprasad Wadhia
Associate Dean for Diversity, Equity, and Inclusion;
Samuel Weiss Faculty Scholar; and Clinical Professor of Law
Penn State Law

Zulfat Suara
Council Member At Large
Metropolitan Government of Nashville and Davidson County

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Asra Nomani
Vice President for Strategy and Investigations
Parents Defending Education

Hammad Alam
Staff Attorney and Program Manager, National Security and Civil Rights
Asian Law Caucus
Asian Americans Advancing Justice

Devon Westhill
President and General Counsel
Center for Equal Opportunity

Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/26/2022 9:28:01 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Hello

Attachments: RealignEd, LLC Form W-9.pdf ,10.31.21Resume_KimberlyMRichey (5).pdf

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---------- Forwarded message ---------
From: <krichey43@aol.com>
Date: Wed, Jan 26, 2022 at 6:26 PM
Subject: Re: Hello
To: dicky.shanor@doe.virginia.gov <dicky.shanor@doe.virginia.gov>

Hi, Dicky--
So good to meet you this evening. The name of my VA LLC is: RealignEd, LLC. See attached, although I'm not sure whether you need it.

I am also sharing my resume with you, FYI. It may provide additional insight into my background. Please don't hesitate to let me know if I can help out in any other way -- or if you need more info.

So good to meet you, and Boomer Sooner!

Kim

-----Original Message-----
From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
To: krichey43@aol.com
Sent: Wed, Jan 26, 2022 8:11 pm
Subject: Hello

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KIMBERLY M. RICHEY

469 Dillin Dr
Lancaster, VA 22503

405-905-9632
krichey43@aol.com

WORK EXPERIENCE

Principal/Founder, RealignEd, LLC **February 2021-Present**

- Distinguished Education Fellow, Parents Defending Education
  - Provide expert policy and legal advice on a range of educational issues, including the collection and maintenance of student data, student privacy, social-emotional learning programs, implementation of federal civil rights laws, student privacy, parental involvement in school board meetings, open records requests, and matters involving parental access;
  - Draft model legislation and school district policies that:
    - Eliminate critical race theory in all programs and activities within K-12 public schools
    - Establish and recognize the fundamental right of parents to govern all aspects of their child's education and ensure parental access to curriculum, educational materials, training programs, diversity/equity plans, school district policies and other public records;
    - Prohibit action civics in classroom;
    - Establish public reporting requirements for public schools and prohibit public school employees from engaging in certain political activity;
  - Work with state educational agencies and governors across the country to enact model legislation and regulations that enshrine the rights of parents and protect students' rights.
- Senior Education Fellow, Texas Public Policy Foundation
  - Provide policy guidance and draft legislation on issues involving school choice, charter school programs and virtual education programs;
  - Provide legal advice on the applicability of Title IX of the Education Amendments Act of 1972 to transgender students' participation in athletic events;
  - Draft public comments submitted to the U.S. Department of Education on the implementation of priorities that require schools and states to establish programs based on the principles of critical race theory.
- Senior Education Fellow, Oklahoma Council on Public Affairs
  - Draft regulations prohibiting critical race theory in K-12 programs and activities;
  - Provide training to parents on filing complaints alleging violations of critical race theory prohibitions, and working with school boards/public officials to obtain records and opt-out of mandatory student programs involving race, sex, or gender.
  - Advise on the U.S. Department of Education's investigations into states that have implemented restrictions on mask mandates.
- Education Consultant - American Enterprise Institute
  - Examine issues involving students with disabilities and discipline under Title VI of the Civil Rights Act of 1964; serve on the Conservative Education Reform Network.

Acting Assistant Secretary **August 2020- January 2021**
Principal Deputy Assistant Secretary **September 2018- August 2020**
U.S. Department of Education – Office for Civil Rights (OCR)

- Oversee all aspects of OCR's operations, including administrative and management functions, policy development, communications, and case investigations in OCR's twelve regional offices.

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VA-DOE-22-0316-B-000762

- Assist in managing a $125 million budget and OCR's approximately 600 employees nation-wide;
- Provide oversight and management of OCR's complaint resolution process, including compliance reviews, targeted investigations, and resolution of over 10,000 civil rights complaints annually;
- Oversee the agency's policy development and enforcement of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975; and
- Manage all administrative functions, including budget, human resources, information technology (IT), and customer service operations, and the implementation processes and procedures to ensure continuous improvement.

- Develop and implement OCR's key policy initiatives affecting all elementary and secondary schools, and all institutions of higher education that receive federal financial assistance from the Department of Education.
  - This includes 17,000 public school districts, charter schools, juvenile justice facilities, alternative schools, schools serving children with disabilities—and all public colleges and universities, vocational schools, community colleges, state vocational rehabilitation agencies, and career and technical institutions.
- Manage all aspects of OCR's legislative affairs, including responding to congressional inquiries, drafting and reviewing legislative correspondence, overseeing hearing and testimony preparation, and representing the Department in meetings with members of Congress.
- Develop short and long-term agency strategic goals and manage external communications.
- Lead and manage OCR's Employee Engagement, Diversity, and Inclusion Committee (EEDIC), the Department's only office-specific diversity and inclusion council.
- Represent OCR in key meetings with other federal agencies, stakeholders, state leaders, public school districts, and institutions of higher education.

Acting Assistant Secretary **June 2017-January 2018**
Deputy Assistant Secretary **January 2018-September 2018**
U.S. Department of Education – Office of Special Education and Rehabilitative Services (OSERS)

- Manage all aspects of OSERS operations, including: 1) Implementation the Individuals with Disabilities Education Act (IDEA) and oversight of the Office of Special Education Programs (OSEP); and 2) Administration of the Rehabilitative Services Administration and oversight of vocational rehabilitation and other services to individuals with disabilities.
  - Oversight of a $16.3 billion portfolio encompassing both competitive & discretionary grant programs and formula grants to states under IDEA and the Rehabilitation Act of 1973; and
  - Effectively management of OSERS' 190 employees to ensure improved outcomes for infants, toddlers, children and individuals with disabilities in education (Part B and Part C) and employment (vocational rehabilitation).
- Oversee all aspects of policy development and interpretation of policies relating to children and individuals with disabilities, including regulatory development and analysis.
- Establish special education policy priorities and vocational rehabilitation policies and work with State education agencies (SEAs) and state vocational rehabilitation agencies to carryout Departmental priorities.
- Oversee all outreach and communications, including outreach to public schools and special education/disability stakeholders, and vocational rehabilitation leaders.

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- Manage all aspects of OSERS' legislative affairs, including responding to congressional inquiries, drafting and reviewing legislative correspondence, overseeing hearing & testimony preparation, and representing the Department in meetings with members of Congress.

Managing Director, Federal Advocacy and Public Policy/
Interim Deputy Associate Executive Director **August 2016-June 2017**
Senior Government Relations Counsel **January 2016-August 2016**
National School Boards Association (NSBA) - Federal Advocacy and Public Policy

- Serve as a policy expert for NSBA and its affiliated state-associations; provide guidance to administrators and school board members on the compliance and implementation of federal laws and regulations.
- Lead a team of policy analysts and federal advocates in all matters relating to state and federal legislation, communications, outreach, and advocacy.
- Advise school board associations on state and federal legislation affecting public schools, including analyzing draft legislation, proposed regulations, and policies impacting all aspects of public education.
- Contribute to governance matters, including the drafting of NSBA's policy statements and advocacy positions.
- Chief advisor on the implementation of the Every Student Succeeds Act (ESSA).
    - Advise NSBA staff, the Board of Directors, and school board associations and local school board members on the legal requirements of ESSA—including drafting all public comments, communications, and advisories on ESSA-related matters.
    - Drafted public comments submitted on behalf of NSBA that resulted in changes to the Department's final ESSA regulations.
    - Hired by state educational agencies to provide state-wide training on the requirements of ESSA.
- Set policy priorities and develop and implement a strategy to engage and inform local school board members, state associations, and other stakeholders on federal education policy. (This includes all federal civil rights laws, IDEA, ESSA, Carl D. Perkins Career and Technical Education Act, the Workforce Innovation and Opportunity Act (WIOA), the Family Educational Rights and Privacy Act (FERPA), and Federal Communications Commission (FCC) rules impacting schools.

General Counsel & Director of Legislative Affairs **July 2012-May 2015**
Assistant General Counsel **Sept. 2011-July 2012**
Oklahoma State Department of Education

- Advise and represent the State Department of Education, the State Superintendent, and the State Board of Education in all legal matters including administrative hearings, litigation, and matters pertaining to compliance with all federal and state laws.
    - Develop and implement key education initiatives and reforms, such as Oklahoma's A-F report card (accountability system), teacher leader effectiveness system, ACE graduation requirements, third grade reading law (Reading Sufficiency Act), and school improvement efforts required by the Elementary and Secondary Education Act (No Child Left Behind).
    - Manage all oversight and compliance activities for over 520 public school districts, and charter schools, schools serving students with disabilities, career and technical institutions, and state juvenile justice facilities.
    - Responsible for the application of federal and state law, development of all regulations pertaining to schools, internal and external policy development and analysis, and all matters involving the U.S. Department of Education.
    - Ensure compliance with the Oklahoma Open Records Act and the Oklahoma Open Meetings Act.

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- Manage and direct the OSDE's legislative and regulatory agenda, including legislative and congressional advocacy, bill drafting, and legislative communications and outreach, and all rule promulgation activities.
- Serve as the Department's liaison with local school districts, state and executive leaders, the governor's office and federal officials—including providing training and technical assistance to school leaders and staff across the State.
- Provide policy analysis and legal advice on all issues related to state education laws involving: school finance and funding, state assessment systems, statewide accountability systems, school improvement initiatives, the development and adoption of state academic standards, student transportation, student privacy, maintenance of records and data collection, establishment of a state longitudinal data system, special education, voucher programs, charter schools, virtual education programs, teacher certification and evaluations, and teacher support.
- Provide policy analysis and legal advice on issues relating to compliance with federal laws such as FERPA, ESEA, IDEA, Carl D. Perkins Career and Technical Education Act, the Workforce Innovation and Opportunity Act (WIOA), and all federal civil rights laws.

General Counsel & Associate Director **Jan. 2010-Sept. 2011**
Assistant General Counsel **June 2009-Jan. 2010**
Oklahoma Council on Law Enforcement Education & Training

- Advise and represent the Executive Director and the Council in all legal matters impacting vocational/training educational institutions.
    - This includes providing legal advice on all matters pertaining to federal and state law, representing the agency in ongoing litigation, internal and external policy development and analysis, and compliance matters/administrative requirements applicable to all governmental entities.
- Manage and direct the agency's legislative agenda, including drafting legislation, providing expert testimony to legislative committees, and passing the agency's proposed legislation.
- Oversee the agency's policy and regulatory agenda, including identifying regulatory priorities, drafting proposed regulations, obtaining public comment, and finalizing and implementing approved/final regulations.
- Manage the agency's communications and outreach, including representing the agency in meetings with federal officials, other state agencies, elected officials, and stakeholders.
- Oversight of the Council's education program, which included relevant student matters such as student discipline, testing, accommodations, admissions, and curriculum.

Counsel to the Assistant Secretary **September 2004-January 2009**
U.S. Department of Education - Office for Civil Rights (OCR)

- Serve as legal advisor to the Assistant Secretary, providing legal advice on cases, enforcement actions, compliance reviews, and other matters relating to the federal laws implemented by OCR.
- Represent the Assistant Secretary in congressional matters, and served as liaison to other federal agencies, Departmental leaders, and with state and federal boards and commissions.
- Provide legal advice and analyze federal civil rights law, OCR policy documents and regulations, and conduct research necessary to implement policies in OCR's twelve regional offices.
- Prepare internal and external policy guidelines relating to Title VI, Title IX, Section 504, Title II, and the Age Discrimination Act of 1975.
- Respond to media inquiries; attend and monitor congressional oversight activities; manage the revision of OCR's Case Processing Manual; assist in the production of OCR's Annual Report to Congress; and oversee OCR's key initiatives.

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Acting Chief of Staff **March 2008-Sept. 2008**
U.S. Department of Education - Office of Legislation and Congressional Affairs

- Oversee legislative and congressional matters, including hearing preparation, hearings, congressional correspondence, and the drafting of written/oral testimony.
- Coordinate the Department's congressional communications and assist White House staff in responding to congressional inquiries.
- Managed congressional communications and operations related to implementation of No Child Left Behind (NCLB).

Research/Teaching Assistant **Aug. 2003-May 2004**
University of Oklahoma College of Law

- Assist teaching students in the areas of constitutional law and first amendment.
- Research constitutional law concepts and principles, as needed, including due process and equal protection under the Fourteenth Amendment.
- Conducted research in the areas of civil rights, individual liberty, school/education law, and election law.

Law Clerk **May-August 2003**
U.S. Department of Justice - Office of Intergovernmental Affairs

- Conducted research on political and legal issues surrounding the passage of the USA Patriot Act.
- Analyzed legal principles related to the racial profiling guidelines issued by the U.S. Department of Justice (DOJ).
- Performed legal research for other divisions in the agency on matters involving national security, unreasonable search and seizure, and privacy.
- Authored letters for the Attorney General to various law enforcement organizations.
- Coordinated with the Office of Legislation and Congressional Affairs to respond to members of Congress, including meeting with congressional staff.
- Conducted stakeholder outreach on behalf of DOJ, including meeting with stakeholders.

White House Liaison and Staff Assistant (Chairman's Office) **Feb. 2000-Aug. 2001**
Republican National Committee, Washington, D.C.

- Served as Liaison to the White House Office of Political Affairs.
- Organized and attended meetings for the 72-Hour Task Force;
- Staffed and coordinated meetings for the White House and other elected officials.
- Authored emails, communications releases, and campaign reports to party members, party leaders, and members of Congress.

Substitute Teacher **August 1999- Jan. 2000**
Putnam City Independent School District

- Taught students in 3rd-8th grade and provided targeted reading intervention to children with disabilities.
- Completed 16 hours towards a Master's Degree in Education in Curriculum and Instruction.

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EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctorate, May 2004

- 2001 Board of Advocates First Year Moot Court Competition
  - 7th Place, Individual Oral Argument Competitor Award (Out of 140 competitors)
- 2002 Pepperdine University National Moot Court Competition
  - First Place Petitioner's Brief- Winner of Brief Writing Competition
  - Oral Argument Quarter-Finalist
- 2003 National Trial Competition (NTC) Team
- 2004 National Moot Court Competition
- 2004 American Trial Lawyer's (ATLA) Trial Team
- Recipient of the Am-Jur Award; Dean's Council; Traffic Court Judge; Inn of Court and Order of the Barristers
- Brasenose College, Oxford, England – Comparative Studies Program

Southern Nazarene University, 1996-1999 — Bethany, OK
B.S., Education (Concentration in English, Political Science)

- Magna Cum Laude
- President's Honor Roll (Each semester)
- Numerous teaching practicum activities
- Alpha Lambda Delta Honor Society

ADMISSIONS AND CERTIFICATIONS

- District of Columbia Bar, License #80467
- Oklahoma Bar, License #20539
- Texas Bar, License, #24095594
- Certified Teacher (Oklahoma), License #208822

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Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See **Specific Instructions** on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

RealignEd, LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☑ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

469 Dillin Drive

Requester's name and address (optional)

6 City, state, and ZIP code

Lancaster, VA 22503

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

8	7	–	0	8	2	6	3	9	7

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here | **Signature of U.S. person** ► Kimberly Richey Digitally signed by Kimberly Richey Date: 2021.05.26 11:38:58 -05'00' | **Date** ► 5/26/2021

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 10:14:59 AM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: K12 Guidance FAQs

Attachments: VDH FAQs for Revised Interim Guidance for the Prevention of COVID-19 in Virginia K12 Schools, v0.pdf

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Did these go with the Supt Memo before/after our zoom?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

---------- Forwarded message ---------
From: **Forlano, Laurie** <laurie.forlano@vdh.virginia.gov>
Date: Thu, Feb 3, 2022 at 9:06 AM
Subject: K12 Guidance FAQs
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow and Asst. Superintendent Schulz,

Were the attached FAQs shared with School Superintendents? We are receiving feedback from several local health districts that school divisions in their health districts aren't familiar with the document, so just wanted to double check.

We have not posted on our website to date, as we thought sending to school superintendents and local health district staff would be sufficient. However, I'm open to any suggestions to get this information out to school officials more effectively.

Thanks for any insight,

Laurie

Laurie Forlano, DO MPH
Deputy Director, Office of Epidemiology
Virginia Department of Health
804-864-7097
804-337-1193 (mobile)
laurie.forlano@vdh.virginia.gov

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VDH Frequently Asked Questions for Revised Interim Guidance for the Prevention of COVID-19 in Virginia K12 Schools

Updated January 26, 2022

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?

Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school-based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to-date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?

CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?

It is possible. The definition of close contact and exceptions pertaining to K-12 schools can be found here. Application of this close contact definition in an environment where all persons in K-

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12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?

Yes to the first question. The definition of close contact and exceptions pertaining to K12 schools can be found here. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?

Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?

A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:
1 - The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2 - Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3 - The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4 - The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

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If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?

In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?

Schools are no longer expected to conduct contact tracing on every individual case of COVID-19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?

A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

When does VDH recommend isolation for students, teachers and staff for COVID-19?

VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K12 parents can be found here.

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When does VDH recommend quarantine for students and staff for COVID-19?

Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K12 parents can be found here. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?

When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?

Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?

VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of

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situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?

Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

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Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?

The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.

Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?

Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

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Are there any special considerations for classes such as chorus or band?

Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?

Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K12 Testing Coordinator.

The Revised K12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?

School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?

VDH and DOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home

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from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?

Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.
As a reminder, public health does not recommend nor require a test to be released from isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?

Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to

AMERICAN OVERSIGHT

Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in "Test to Stay"?

No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then the school can require the student to wear a mask for 10 days following exposure to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?

The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-000778

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:20:43 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Letter to Fight for Schools

Attachments: Lettertofightforschools.docx (1).pdf

Per our conversation; if you need language to respond, please let me know.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 3:15 PM
Subject: Fwd: Letter to Fight for Schools
To: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 21, 2022 at 10:28 AM
Subject: Letter to Fight for Schools
To: <ian@fightforschools.com>

Hi Ian, Last week Superintendent Balow sent you a response letter. I am confirming you received it. I have attached a copy for your records. Thank you for all you do for our kids.

--
Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/22/2022 3:15:33 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Letter to Fight for Schools

Attachments: Lettertofightforschools.docx (1).pdf

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Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/20/2022 9:54:58 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Dicky Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Lexington City Schools maintains universal masking policy

---

---------- Forwarded message ---------
From: **Patrick Rhamey** <prhamey@gmail.com>
Date: Wed, Jan 19, 2022 at 6:13 PM
Subject: Fwd: Lexington City Schools maintains universal masking policy
To: <jillian.balow@doe.virginia.gov>

Superintendent Balow,

Parents of Lexington City School students all received the below letter regarding their mask policy, which directly contradicts the Governor's executive order. Could you please clarify who is in the right, the school board or the governor?

Thanks,
Patrick Rhamey

---------- Forwarded message ---------
From: **Lexington City Schools** <lcs_alerts@lexedu.org>
Date: Wed, Jan 19, 2022 at 5:57 PM
Subject: Lexington City Schools maintains universal masking policy
To: <karhamey@gmail.com>

Good evening, Lexington City Schools' families and staff -

Please read the attached letter for important information regarding our schools' universal masking policy.
If you have any questions, please feel free to contact your child's school or our School Board Office.

Thank you, as always, for your cooperation and support of our schools, students, and staff.

Best,

Rebecca Walters, Division Superintendent

Attached Files
LCS masking requirement 1 19 2022.pdf

unsubscribe

SWIFTREACH
A Rave Mobile Safety Company

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/8/2022 3:04:28 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Loudoun Letter

Attachments: Lettertofightforschools.docx

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

Dear

Re: Fight for Schools Request

Dear Fight for Schools:

I want to thank you for your letter and supporting documentation in regards to Superintendent Ziegler. Please know I am monitoring these issues very closely. Until a thorough investigation has been completed by the Office of the Attorney General, I will not be making any recommendation for the Loudoun County School District.

Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/14/2022 11:12:27 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Loudoun Letter

Attachments: Lettertofightforschools.docx

Hi ELizabeth, This is a draft. We want to keep it short and simple yet supportive. Please review.

---------- Forwarded message ---------
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Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.

Thanks
Jon

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VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/07/22

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Re: Fight for Schools Request

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Thank you for being an advocate for our children and parents in Loudoun and throughout the Commonwealth. Please do not hesitate to contact me again in the future if my office can be any assistance.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/16/2022 3:09:45 PM
To: "Kimberly Richey" <krichey43@aol.com>
Cc:
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Attachments: image001.jpg ,image002.jpg ,EP3437635.pdf

Did you receive this?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Dickey, Kent** <kent.dickey@doe.virginia.gov>
Date: Tue, Feb 8, 2022 at 5:42 PM
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>

The RealignEd, LLC PO is now fully approved. Kent

---------- Forwarded message ---------
From: **Monique Jones** <monique.jones@doe.virginia.gov>
Date: Tue, Feb 8, 2022 at 5:26 PM
Subject: RE: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval
To: Dickey, Kent <kent.dickey@doe.virginia.gov>
Cc: Cathy Estep <cathy.estep@doe.virginia.gov>

The PO is fully approved and the Contractor can begin work per the SOW.

Monique R. Jones, CPPB, VCO
Director of Procurement
OFFICE OF PROCUREMENT
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

VDOE has modified operations to maintain the health and safety of our employees and the community at large due to COVID-19. The best way to contact me is through email, as I am currently working remotely.

From: Dickey, Kent <kent.dickey@doe.virginia.gov>
Sent: Tuesday, February 8, 2022 4:47 PM
To: Monique Jones <monique.jones@doe.virginia.gov>
Cc: Estep, Cathy <cathy.estep@doe.virginia.gov>
Subject: Re: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Approved. Thanks for your help on it.

On Tue, Feb 8, 2022 at 4:24 PM Monique Jones <monique.jones@doe.virginia.gov> wrote:

Monique R. Jones, CPPB, VCO
Director of Procurement
OFFICE OF PROCUREMENT
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

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Order No. EP3437635-

Issued on Tue Feb 08 17:22:49 EST 2022 eVA Req#: PR9678139
Created on Tue Feb 08 17:22:49 EST 2022 by Wells, Susanna

Supplier:
REALIGNED LLC
469 Dillin Dr
Lancaster VA 22503-3435 United States
Phone: 000-000-0000 Fax: 000-000-0000
Contact: Kimberly Richey
Vendor TIN: *****6397
SWAM:

Ordering Person:
Department of Education
Wells, Susanna
Phone: 804-371-4917
E-mail: susanna.wells@doe.virginia.gov

Ship To:
Department of Education
101 N 14th St
Richmond, VA 23219 United States
Phone: 804-225-3348 Fax: 804-225-2509
Deliver To: Susanna Wells

Bill To:
Dept of Education Accts Payable
PO Box 2120
Richmond, VA 23218-2120 United States
Phone: 804-786-8481 Fax: 804-225-2045
E-mail:

Item	Item Number	Description	Need By	Quantity	Unit	Unit Price	Extended Amount	Contract Number
1		RealignEd, LLC (the Contractor) will provide subject matter expertise, review and evaluation, and policy advice related to inherently divisive concepts and other provisions in Executive Order One. Period of Performance is date eVA purchase order is fully approved through April 30, 2022.		1	each	$ 10,000 USD	$ 10,000 USD	

Line	Comments:

Total :	$ 10,000 USD

Status: Ordering

This order is governed in all respects by the laws of the Commonwealth of Virginia, including the Virginia Public Procurement Act, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, and the Commonwealth of Virginia Vendors Manual copies of which are available at www.eVA.virginia.gov. The stated price(s) include shipping FOB destination unless otherwise stated in the body of the order. In addition, this order is subject to an eVA transaction fee in accordance with the eVA Fee Schedule a copy of which is available at https://dgs.virginia.gov/procurement/policy-consulting--review/policy. This fee will be invoiced to your company approximately 60 days after the order issue date specified above, by the Commonwealth of Virginia, Department of General Services. Any modification to these terms must be agreed to in writing by both parties prior to performance of this order. This order may be subject to federal oversight. The vendor, as applicable, will comply with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) Part 317-326 (Procurement Standards) and Section 2 CFR 200.404 (Cost Reasonableness).

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/8/2022 10:47:43 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Attachments: image001.jpg ,image002.jpg ,EP3437635.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Monique R. Jones, CPPB, VCO
Director of Procurement
OFFICE OF PROCUREMENT
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

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Created on Tue Feb 08 17:22:49 EST 2022 by Wells, Susanna

Supplier:
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469 Dillin Dr
Lancaster VA 22503-3435 United States
Phone: 000-000-0000 Fax: 000-000-0000
Contact: Kimberly Richey
Vendor TIN: *****6397
SWAM:

Ordering Person:
Department of Education
Wells, Susanna
Phone: 804-371-4917
E-mail: susanna.wells@doe.virginia.gov

Ship To:
Department of Education
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Richmond, VA 23219 United States
Phone: 804-225-3348 Fax: 804-225-2509
Deliver To: Susanna Wells

Bill To:
Dept of Education Accts Payable
PO Box 2120
Richmond, VA 23218-2120 United States
Phone: 804-786-8481 Fax: 804-225-2045
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AMERICAN OVERSIGHT

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Sent: 2/16/2022 3:10:08 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: PR9678139 - DOE80100 - RealignEd, LLC is awaiting your approval

Attachments: image001.jpg ,image002.jpg ,EP3437635.pdf

Sent to Kim...

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
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elizabeth.schultz@doe.virginia.gov

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804.225.2040 (O)| 804.926.0169 (Cell) | monique.jones@doe.virginia.gov

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Supplier:
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469 Dillin Dr
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Phone: 000-000-0000 Fax: 000-000-0000
Contact: Kimberly Richey
Vendor TIN: *****6397
SWAM:

Ordering Person:
Department of Education
Wells, Susanna
Phone: 804-371-4917
E-mail: susanna.wells@doe.virginia.gov

Ship To:
Department of Education
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Richmond, VA 23219 United States
Phone: 804-225-3348 Fax: 804-225-2509
Deliver To: Susanna Wells

Bill To:
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Line	Comments:

Total :	$ 10,000 USD

Status: Ordering

This order is governed in all respects by the laws of the Commonwealth of Virginia, including the Virginia Public Procurement Act, the Commonwealth of Virginia Agency Procurement and Surplus Property Manual, and the Commonwealth of Virginia Vendors Manual copies of which are available at www.eVA.virginia.gov. The stated price(s) include shipping FOB destination unless otherwise stated in the body of the order. In addition, this order is subject to an eVA transaction fee in accordance with the eVA Fee Schedule a copy of which is available at https://dgs.virginia.gov/procurement/policy-consulting--review/policy. This fee will be invoiced to your company approximately 60 days after the order issue date specified above, by the Commonwealth of Virginia, Department of General Services. Any modification to these terms must be agreed to in writing by both parties prior to performance of this order. This order may be subject to federal oversight. The vendor, as applicable, will comply with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) Part 317-326 (Procurement Standards) and Section 2 CFR 200.404 (Cost Reasonableness).

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:28:40 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>, "Charles Pyle" <charles.pyle@doe.virginia.gov>
Subject: Fwd: Question

Attachments: Lettertofightforschools.docx (1).pdf

Jillian:
Just providing the below as a courtesy, as there appears to be a forthcoming Washington Post news article about the letter written by the Fight for Schools organization to VDOE, the response (attached hereto), and the Loudoun investigation by the OAG.

Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 11:09 AM
Subject: Fwd: Question
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>

This just came in from Hannah with the Post. Can we get together and discuss briefly?

Charles B. Pyle
Director of Communications & Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
(804) 371-2420
(804) 640-2117 (cell)
(804) 640-2117 mobile

---------- Forwarded message ---------
From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
Date: Tue, Mar 22, 2022 at 10:58 AM
Subject: RE: Question
To: Pyle, Charles <charles.pyle@doe.virginia.gov>, ken.blackstone@doe.virginia.gov <ken.blackstone@doe.virginia.gov>

Hi Charles and Ken,

Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow - in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."

- Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
- When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
- Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?

I am requesting responses by 3 p.m. EST today latest. Thank you.

Best,

Hannah

From: Natanson, Hannah <Hannah.Natanson@washpost.com>
Sent: Thursday, February 10, 2022 12:51 PM
To: Pyle, Charles <charles.pyle@doe.virginia.gov>
Subject: Re: Question

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Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,
>
> Hannah

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VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

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PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 5:20:12 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Questions/Answers from 24 Jan Supts Call

It seems odd that this was not presented in document form (pdf), with clarity around the intended audience (versus an email reply with text) - just an observation.

---------- Forwarded message ---------
From: **Hendron, John** <john.hendron@doe.virginia.gov>
Date: Thu, Feb 3, 2022 at 2:27 PM
Subject: Re: Questions/Answers from 24 Jan Supts Call
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
CC: Richard Shanor <dicky.shanor@doe.virginia.gov>, Jillian Balow <jillian.balow@doe.virginia.gov>

It went to all division superintendents, and any others invited on last Monday's call (VASS, VHSL, VSBA).

On Thu, Feb 3, 2022 at 2:03 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> John:
> Would you please let me know to whom this went - just received as a BCC.
> Thank you,
> Elizabeth
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> Good afternoon,
> Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.
>
> On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.
>
> ## Masking in Schools
>
> **What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?**
> Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.
>
> While parents and families can choose for their child to not wear a mask at school, VDH recommends:
> - All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
> - People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
> - People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
> - People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
> - Schools review the DOLI standard for any applicable mask requirements for teachers and staff
> - Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.
>
> **Do masks work against the spread of Omicron?**
> CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.
>
> **If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?**
> It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.
>
> **If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?**
> Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.
>
> **Are masks still required on school buses?**
> Yes. Per a federal order, masks are required when using public transportation, which includes school buses.
>
> **Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?**
> Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.
>
> **Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?**
> We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.
>
> **How do division superintendents navigate both SB 1303 and E02?**
> We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking,

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as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

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Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?

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Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--
John G. Hendron, Ed.D.
Superintendent's Office
Project Manager of Professional Learning & Organizational Development
Virginia Department of Education
101 N. 14th Street
PO Box 2120
Richmond, VA 23218-2120
email: john.hendron@doe.virginia.gov
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--

John G. Hendron, Ed.D.
Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 9:09:07 AM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Standards of Emotional Learning Requirements

Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?

Can we discuss?

---------- Forwarded message ---------
From: **Brandi Rutz** <brandirutz@icloud.com>
Date: Mon, Mar 14, 2022 at 10:54 PM
Subject: Standards of Emotional Learning Requirements
To: <elizabeth.schultz@doe.virginia.gov>

Hi Mrs. Schultz,

We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.

First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.

Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.

It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.

I appreciate any clarity you can offer.

By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don’t have a reason to doubt her.

Thank you in advance of your time.

Warm Regards,

Brandi Rutz

Sent from my iPhone
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
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AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/8/2022 7:34:35 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VASS Board Meeting-Tuesday, March 8

Attachments: image003.jpg ,VASS Blueprint 2020.pdf

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sharing this in advance of today's meeting.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Ben Kiser** <b.kiser@vassonline.org>
Date: Mon, Mar 7, 2022 at 6:20 PM
Subject: VASS Board Meeting-Tuesday, March 8
To: Guidera, Aimee <aimee.guidera@governor.virginia.gov>, jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
Cc: Zebedee Talley <ztalley@martinsville.k12.va.us>, mgill@hcps.us <mgill@hcps.us>, midgettek@brunswickcps.org <midgettek@brunswickcps.org>, Brabrand, Scott S <ssbrabrand@fcps.edu>, Andy Stamp <a.stamp@vassonline.org>, Tom Smith <t.smith@vassonline.org>, Marcus Newsome <m.newsome@vassonline.org>, Fornash, Laura Worley <LFornash@mwcllc.com>, Liza Scallet <l.scallet@vassonline.org>, Bean, Jennifer <jennifer.bean@governor.virginia.gov>

Secretary Guidera

Superintendent Balow

Thank you again for meeting with the VASS Board tomorrow, Tuesday, March 8, from noon to 1:00 p.m. VASS President, Dr. Zeb Talley, Jr., Superintendent in Martinsville City Schools, will open the meeting and welcome you and the others. Dr. Talley will then ask Superintendent Balow the two questions below regarding the 30-day report pertaining to Governor Youngkin's Executive Order #1:

1. To our knowledge, division superintendents were not consulted in reviewing content or in the development of the 30-day report to the Governor. In fact, division superintendents received the report by way of the press. How will you involve division superintendents in other aspects of educational services for children moving forward?
2. Division superintendents have worked with the Virginia Department of Education, the Secretary's office and their own school communities for several years in ensuring equitable services and support for all children, no matter where they live. How does transitioning from equity to opportunity ensure that all children will receive the services and support they need, regardless of where they live?

Following the responses to the questions above, VASS board members will share their perspectives and questions as well for both of you to respond. We hope tomorrow will be the first of many conversations with superintendents as we all strive daily to best serve children.

I am also attaching the latest VASS Blueprint for Achieving Equity in Virginia's Public Schools. Again, we look forward to tomorrow.

Howard B. Kiser (Ben), Ed.D.

Executive Director, VASS

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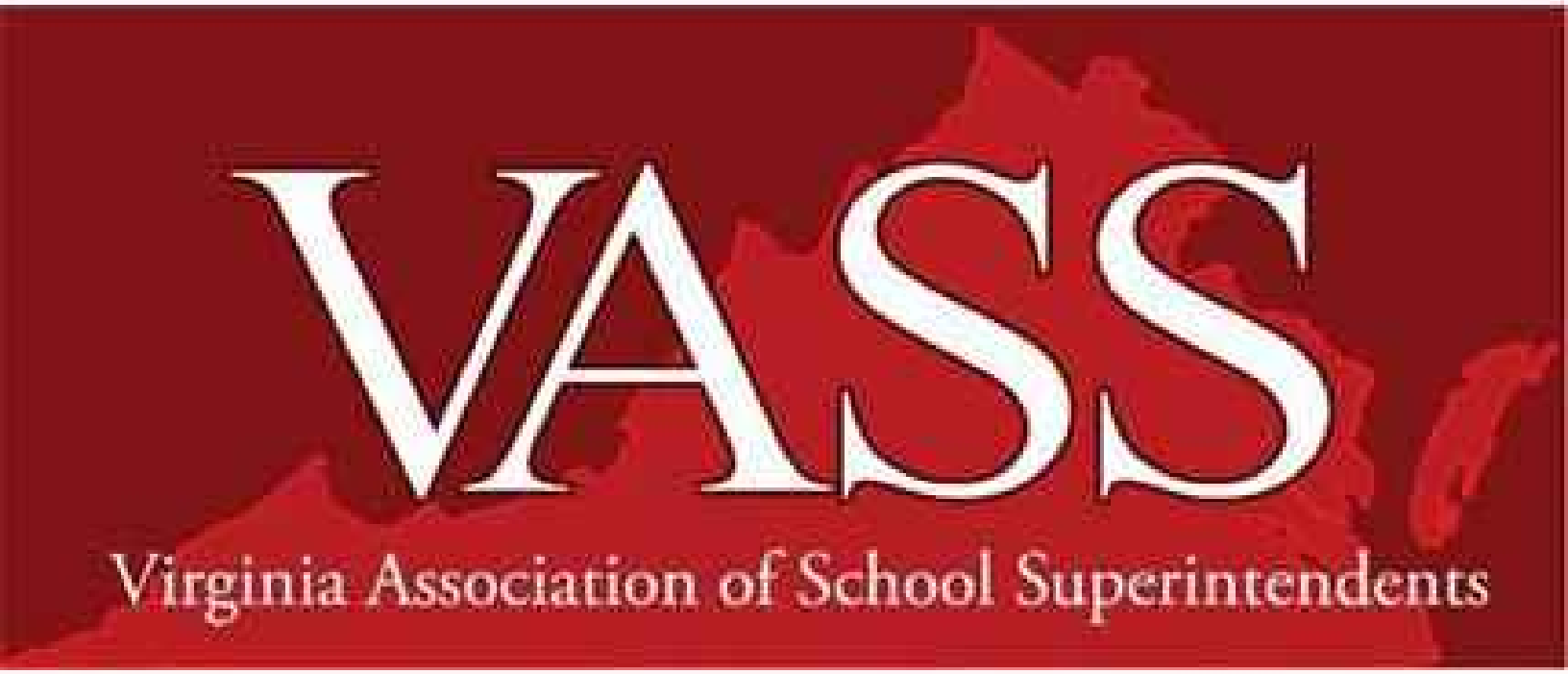
VASS
Virginia Association of School Superintendents

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Blueprint for Achieving equity in Virginia's Public Schools 2020

VASS
Virginia Association of School Superintendents

LEGISLATIVE OVERSIGHT

VA-DOE-22-0316-B-000811

No issue is more urgent in public education than **achieving and ensuring equity in student learning** throughout the Commonwealth of Virginia.

Equity is a multifaceted issue that reflects variability in both geographic location and student demographics across the Commonwealth, as well as per pupil expenditures and students' access to the full range of instructional content and programs essential to success after graduation, regardless of where a student lives. As leaders of public education, we must take a comprehensive approach to achieving and ensuring an equitable education for all students in Virginia so that race, ethnicity, socioeconomic status, special education status, learning ability level, family circumstances, culture, and gender identity are no longer predictors of success. The Commonwealth can achieve these systemic improvements by ensuring that all students have what they need, exactly when they need it, to be successful in school. In order to accomplish this, we must be deliberate in providing the appropriate supports, removing barriers, creating needed learning environments, closing current gaps in opportunity, and changing the current level of educational funding that will ensure equitable opportunities for all students.

During 2019, VASS members identified five primary areas of focus that will define organizational efforts for change and safeguard a relentless commitment to equity for all students. These primary areas of focus are: accountability, public education funding, Profile of a Virginia Graduate, social and emotional learning, and teacher shortage. In each of these areas, VASS members thoughtfully crafted goals, objectives, and strategies framing equity as the critical decision-making lens that will help educators and communities navigate the roadmap to success for all students. We invite you to explore this Blueprint for Equity and join education leaders across the Commonwealth in shaping the future.

BACKGROUND

Since 2011, the Virginia Association of School Superintendents (VASS) collaborated to develop two comprehensive guiding documents to help lead and shape the future of education in the Commonwealth. The first document, ***VASS' Blueprint for Public Education, Bringing Reason to Reform***, was adopted in 2011. The second document, ***VASS' New Blueprint for the Future of Public Education***, was adopted in 2015. Both blueprints outlined specific goals, objectives, and strategies in focus areas to ensure that Virginia's public schools would be positioned to effectively and efficiently provide high quality learning to meet the demands of a rapidly changing world.

Since that time, VASS' voice, through the blueprints, have affected positive changes to policies and legislation to improve the delivery of education services throughout Virginia. Included in those changes have been the Virginia Department of Education launching the Virginia is for Learners initiative, which encourages a statewide focus on early learning experiences and a deeper approach to learning that emphasizes the application of content knowledge in the context of real-world problem solving and skills essential to the future of work in a global economy. The Profile of a Virginia Graduate, Virginia's newly adopted model of state and local accountability, reframed the high school experience to de-emphasize standardized testing and to expand exposure to life-changing career experiences that better prepare graduates for what comes next.

VASS' members who served on the Blueprint Workgroup committees, along with the entire VASS membership consisting of 133 school division superintendents and the superintendents of the Virginia School for the Deaf and Blind and the Virginia Juvenile Services Education Program, have worked diligently throughout 2018-2019 to create this document, ***VASS' Blueprint for Achieving Equity in Virginia's Public Schools.*** Through this Blueprint, VASS enlists the Virginia Department of Education, the Virginia State Board of Education, the Virginia General Assembly, the Virginia Chamber of Commerce, and all other education associations and stakeholders in affirming that providing an equitable education for every student is the Commonwealth's most valuable mechanism for reducing poverty, addressing racial disparity, building thriving communities, and sustaining economic advancement for all Virginians.

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AMERICAN OVERSIGHT

SUPERINTENDENT WORKGROUP MEMBERS

VASS' Blueprint for Achieving Equity in Virginia's Public Schools

ACCOUNTABILITY
Chair, Dr. John Wheeler, Floyd County
Dr. Jared Cotton, Chesapeake City
Dr. Walter Clemons, Gloucester County
Dr. Michael Gill, Hanover County
Dr. George Parker, Newport News City
Dr. Alan Seibert, Salem City
Dr. Jason Van Heukelum, Winchester City

EQUITY
Chair, Dr. Keith Perrigan, Bristol City
Dr. Gregory Hutchings, Alexandria City
Dr. Carol Carter, King and Queen County
Dr. David White, King William County
Dr. Crystal Edwards, Lynchburg City
Ms. Anna Ruth Graham, Madison County
Dr. Peter Gretz, Middlesex County
Dr. Tameshia Grimes, Nottoway County
Dr. Rita Bishop, Roanoke City

FUNDING
Chair, Dr. Brian Austin, Lee County
Dr. Eric Bond, Augusta County
Dr. Doug Schuch, Bedford County
Dr. Jim Thornton, Isle of Wight County
Mr. Charles Berkley, Lunenburg County
Dr. Michael Thornton, Surry County
Dr. Gregory Mullins, Wise County
Dr. Jim Roberts, Retired

PROFILE OF A GRADUATE
Chair, Dr. Scott Jefferies, Wythe County
Dr. Jeremy Raley, Goochland County
Dr. Jennifer Parish, Poquoson City
Dr. Rob Graham, Radford City
Dr. Scott Baker, Spotsylvania County
Mr. Andrew Stamp, VASS
Dr. Jeffrey Cassell, Waynesboro City

SOCIAL AND EMOTIONAL LEARNING
Chair, Dr. Laura Abel, West Point Town
Dr. Andrea Whitmarsh, Greene County
Dr. Eric Jones, Powhatan County
Dr. Shannon Grimsley, Rappahannock County
Dr. Mark Johnston, Shenandoah County

TEACHER SHORTAGE
Chair, Dr. Tony Brads, Culpeper County
Dr. Robert Arnold, Amherst County
Dr. Sarah Calveric, Caroline County
Dr. Mervin Daugherty, Chesterfield County
Dr. Doug Straley, Louisa County
Dr. Holly Wargo, Northumberland County
Dr. Kenneth Nicely, Roanoke County
Dr. Michael Perry, Westmoreland County

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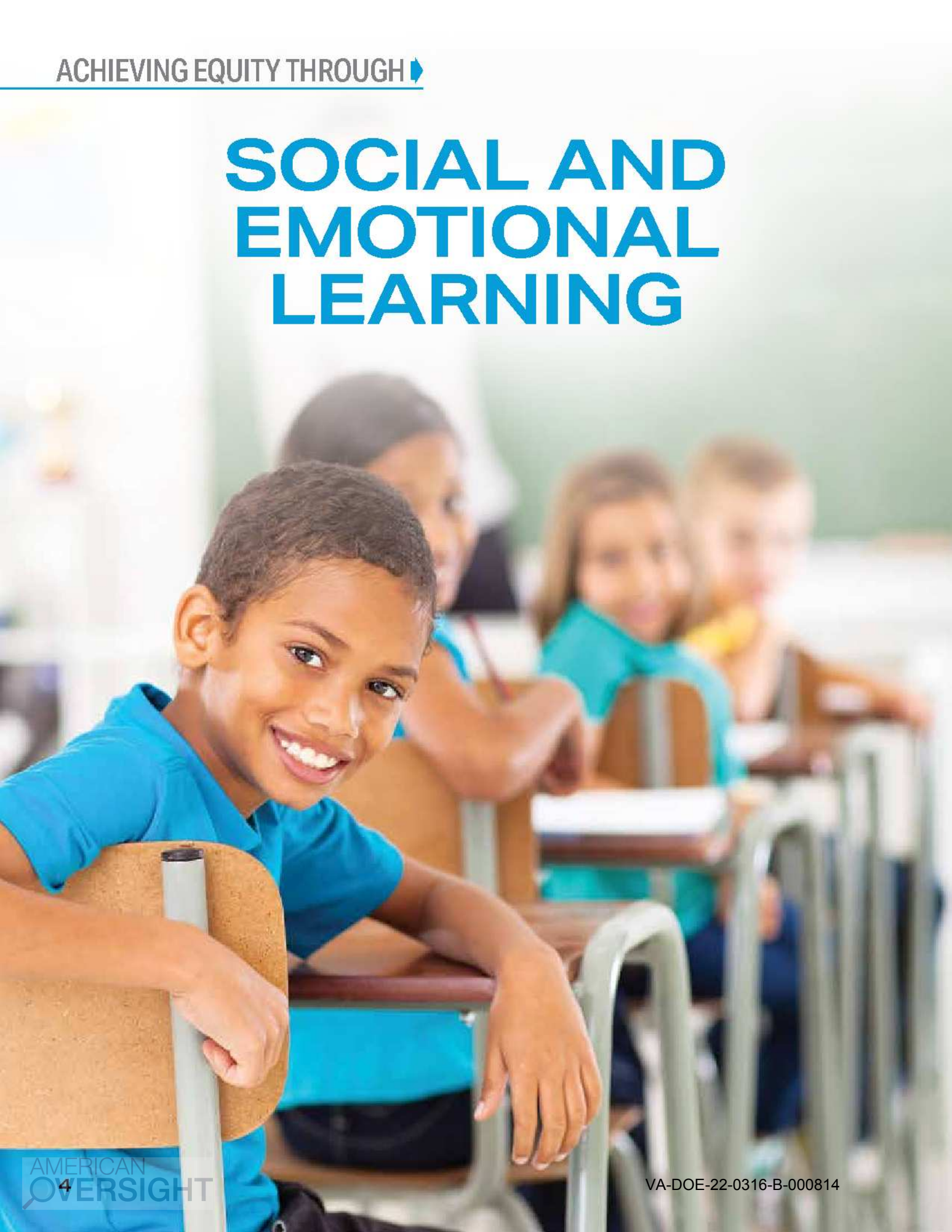
Dr. Lisa Chen, Botetourt County
Dr. Kari Weston, Dinwiddie County
Dr. David White, King William County
Dr. Eric Williams, Loudoun County
Dr. Tameshia Grimes, Nottoway County
Dr. Jennifer Parish, Poquoson City
Dr. Mark Johnston, Shenandoah County

OTHER RECOGNITIONS
Ms. Stephanie Krause, Jobs for the Future
Dr. Pamela Moran, Executive Director of VaSCL
Ms. Barbara M. Hunter, Hunter Communications
Ms. Diana Frezza and Ms. Niquelle Cotton, rethinkEd
Dr. Steven Constantino, Adjunct Executive Professor, College of William and Mary

VIRGINIA ASSOCIATION OF SCHOOL SUPERINTENDENTS STAFF
Dr. Howard B. Kiser, Executive Director
Mr. Andrew Stamp, Associate Executive Director
Dr. Tom Smith, Education Legislative Liaison
Dr. Marcus Newsome, Superintendents' Leadership Academy Director
Ms. Liza Scallet, Administrative Assistant

SOCIAL AND EMOTIONAL LEARNING



AMERICAN OVERSIGHT

VA-DOE-22-0316-B-000814

The link between a student's academic achievement, social and emotional well-being, regular school attendance, and safe learning environments is well documented. A student's social and emotional development also has a long-term impact on his/her ability to succeed not only in school, but also in future career and life endeavors. When Social and Emotional Learning becomes integral to school culture, regardless of level, it impacts the formal and informal interactions among students, across every classroom, in informal settings (hallways, bathrooms, outdoor areas) that exist in every school and our communities. *The Collaborative for Academic, Social and Emotional Learning (CASEL)* indicates that Social and Emotional Learning is "how children and adults learn to understand and manage emotions, set goals, show empathy for others, establish positive relationships, and make responsible decisions." ("SEL Impact" n.d.) The research has been so clear that a multitude of professional organizations, such as the National Dropout Prevention Center and the National Association for the Education of Young Children, have included social and emotional learning as a cornerstone of their efforts in addressing inequities.

School communities that implement evidence-based practices and programs that support Social and Emotional Learning show academic achievement test score improvements of 11-17 percentile points according to CASEL. In addition, CASEL research indicates:

"SEL programs improved students' social and emotional skills, attitudes about self and others, connection to school, positive social behavior, and academic performance; they also reduced students' conduct problems and emotional distress. Comparing results from these reviews to findings obtained in reviews of interventions by other research teams suggests that SEL programs are among the most successful youth-development programs offered to school-age youth." (Payton and Weissberg, n.d.)

GOAL

All Virginia public schools will implement a systematic, multi-tiered, PK-12 support system that equips students with competencies to appropriately manage emotions, develop healthy relationships, achieve personal and academic goals, exhibit constructive decision making, and demonstrate responsible behaviors essential to meeting the goals set forth in the Virginia Profile of a Graduate so students can live productive and satisfying lives.

OBJECTIVES AND STRATEGIES

Objective 1

By 2021, update Standards of Quality formulas to reflect staffing roles needed to enable school divisions to provide multi-tiered support systems for students who experience adverse childhood experiences (i.e., ACES) and to aid in developing school-wide cultures of caring through implementation of social and emotional learning (SEL) best practices and programs.

Strategies

- Through a comprehensive state-wide survey of school divisions, identify and assess current SEL needs of Virginia's public schools. Utilize this data to develop recommendations for additional staffing required to address the growing social and emotional needs of Virginia's student population. Such recommendations should provide divisions flexibility in how positions are utilized so they are able to address division-specific needs in providing appropriate SEL supports.
- Articulate SEL staffing roles that school divisions identify and report to VDOE for funding allocations including, but not limited to, Board Certified Behavioral Analysts (BCBAs), School Psychologists, School Social Workers and School Counselors.
- Identify and prioritize state funding mechanisms to support designated SEL staffing positions.

Objective 2

By 2021, develop a statewide repository of evidence-based practices and curated resources key to understanding and implementing high quality social and emotional learning support systems. These resources should provide flexibility to meet individual division needs.

Strategies

- Partner/Collaborate with organizations experienced in implementing successful SEL programs such as CASEL, AASA SEL Cohort, ("AASA: The School Superintendents Association" n.d.) the National Commission on Social, Emotional, and Academic Development (Nation at Hope Report recommendations), (Admin 2017) and the American Institutes for Research ("Center on Great Teachers & Leaders - at American Institutes for Research" n.d.).
- Assist school divisions in identifying and developing partnerships with state and local entities, both public and private, to ensure that high-quality resources, support services and programs are available to aid school divisions in addressing the social and emotional/mental health needs of students both in their school and local community settings.
- Provide competitive grant opportunities that allocate funding for public/private partnerships to promote collaboration and grow the availability of high quality SEL support services provided to all Virginia students, including intervention to provide social and emotional support for students dealing with the traumatic impact of racism and discrimination.

A student's social and emotional development has a long-term impact on their ability to succeed, not only in school, but also in future career and life endeavors.

AMERICAN OVERSIGHT

Objective 3

By 2021, divisions will be financially incentivized to create a comprehensive, multi-tiered SEL plan that includes public-private partnership and interagency cooperation to enable school divisions to recognize and respond to adverse childhood experiences (ACES) and address student social, emotional and mental health needs.

Strategies

- Identify high quality, effective, school-based SEL programs that can serve as models to aid school divisions in developing their own comprehensive, multi-tiered plan to address the social and emotional/mental health needs of their student population.
- Provide incentive grants to support innovative programs and/or approaches to address differentiated student mental health needs that include support for students dealing with the traumatic impact of racism and discrimination, develop positive behavioral supports and foster the implementation of restorative disciplinary practices and programs.

Objective 4

By 2021, create a statewide training plan for staff, students, and parents including a method for assessing where individual divisions are in the implementation of a multi-tiered system of SEL and supports needed to effectively implement plans.

Strategies

- Conduct an ongoing needs assessment to help school divisions evaluate the progress and effectiveness of their multi-tiered SEL support plan in meeting the SEL/mental health needs of their student population. Use these data to leverage additional resources and funding needed to support student mental health needs.
- The Virginia Department of Education will take the lead in developing online training resources to assist school personnel in recognizing and supporting students who have experienced adverse childhood experiences (ACES) and building a culture of caring in their classrooms and schools.

MEASURES OF SUCCESS

- ✓ Changes in the Standards of Quality (SOQ) staffing formula and funding model that provide greater support and local flexibility for positions that are directly related to student social and emotional well-being.
- ✓ Availability on the Virginia Department of Education website of a statewide repository of best practices and resources foundational to Social and Emotional Learning.
- ✓ Virginia Department of Education-sponsored training provided at multiple locations around the state on strategies to help divisions develop and implement a multi-tiered continuum of scaffolded social and emotional support.
- ✓ Creation of a Virginia Department of Education committee with school division representatives to begin the process of recognizing the proven interdependency of academic success and SEL by integrating SEL instruction into SOL content areas.
- ✓ Increased opportunities for school divisions to apply for grant funding to support innovative approaches and programs to support students' social, emotional, and academic development.
- ✓ Changes in division and regional alternative education programs that demonstrate an increased focus on restorative practices and social and emotional learning.

The research has been so clear that a multitude of professional organizations have included social and emotional learning as a cornerstone of their efforts in addressing inequities.

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ACCOUNTABILITY

Traditional accountability metrics have focused exclusively on standardized, multiple choice testing. After more than a quarter century of high stakes testing, achievement gaps between students within race, ethnic, socio-economic status and special education categories persist. As we envision a new blueprint for the Commonwealth of Virginia, accountability should broaden its scope and seek to measure students on multiple dimensions in order to capture the richness of our diversity. At the same time, our accountability system should focus on the dimensions of human development and growth, in addition to a fixed point of "proficiency."

The new focus on skills and dispositions with Virginia's Profile of a Graduate gives Virginia a unique opportunity to expand the scorecard beyond knowledge to include accountability metrics that take into account skills and career readiness. While we recognize that knowledge is an essential component of schooling, we believe the scope of work in public education must include the holistic human development of our children.

Literacy remains a cornerstone of public education's purpose, however, as we prepare students for a world we cannot fully conceptualize, public education must embrace and be accountable for the development of the whole child. Our graduates need more than knowledge; they must have the skills and dispositions to be self-determined, productive, and culturally fluent adults.

With a broader scope of accountability, we believe more children will be able to demonstrate their strengths. Equitable outcomes will be more evident as we broaden our focus from a knowledge-only priority to a culture that includes other attributes that determine future success.

GOAL

Develop a holistic accountability system that measures knowledge, skills, and dispositions, so that our students are equipped to thrive in a global, ever-changing, and interactive world. The system should also include student growth measures that support a growth mindset for students.

OBJECTIVES AND STRATEGIES

Objective 1

Develop a comprehensive assessment system that accurately measures both student growth and student mastery of key skills identified by the VDOE in the Profile of a Virginia Graduate (i.e., knowledge, skills, and career readiness).

Strategies

- Focus on assessing early literacy to ensure students are kindergarten ready and reading on grade level by the end of grade 3.
- The state assessment system should include both multiple choice and authentic, common, performance-based assessments that accurately measure both knowledge and skills (5 Cs).
- Includes a holistic view of student success in areas such as the fine and performing arts, student leadership, world languages, and workplace readiness, and provide school divisions with the flexibility to use these experiences to meet state requirements.
- Accurately measures student growth in literacy and mathematics in grades 3-8.
- Continue to limit the number of required assessments at the high school level to focus on the most essential measures to determine student college, career, and citizenship readiness.

Objective 2

Create the comprehensive assessment system in a manner that supports student readiness and personalized learning.

Strategies

- Support assessment windows that allow students to participate in assessments when ready rather than waiting for prescribed testing windows.
- Allow students to meet high school requirements early so that they can participate in workplace readiness opportunities (i.e., internships, service projects, practicums).

MEASURE OF SUCCESS

✓ Develop a balanced, comprehensive, and fair system of accountability that is holistic in nature, and improves student outcomes related to academic, social and emotional development, as well as post-secondary and career readiness. Multiple measures should be employed, which allows each student to maximize their potential in order to be successful in a global economy.

AMERICAN OVERSIGHT

ADDRESSING THE TEACHER SHORTAGE

Virginia school divisions throughout the Commonwealth, regardless of size, rural or urban, or demographics, face a growing shortage of qualified teachers. Teacher shortages have long existed in the state, but the issue has become increasingly severe in the sheer number of unfilled positions, the breadth of subject areas that are hard to staff, and the diversity of teachers relative to the student body. The 2017 Preliminary Report from the Advisory Committee on Teacher Shortage in Virginia reports alarming data on the number of unfilled teacher positions across the state that has increased by 40 percent over the past 10 years (from 760 to 1,080) and has reached crisis proportions in many divisions—especially those with high levels of poverty. For example, two months before the 2017 school year began, the city of Petersburg had 142 unfilled teaching positions out of a total of 400, which equals more than one-third of their professional teaching staff. Additionally, the number of minority teachers has not kept pace with increasingly diverse student populations. Currently, 79 percent of Virginia teachers are white, but non-white students make up 49 percent of Virginia's student population. This disparity is larger than the disparities in the Commonwealth's regional counterparts. ("Preliminary Report from the Advisory Committee on Teacher Shortages" 2017)

Mid-career teachers may switch to new careers as a result of stress, salary considerations, or simply for a new experience. ("Teacher Turnover: Why It Matters and What We Can Do About It" n.d.) Schools of Education show substantial declines in enrollment. The significance of this is on the minds of school boards, superintendents, school administrators, parents, and universities. Shortages are occurring in more subject areas than just mathematics, special education, and career and technical education, which have historically been hard to staff.

GOAL

Ensure all students statewide have access to effective teachers who will prepare them to be citizenship, post-secondary, and workforce ready for their futures.

Today, shortages have also become severe in subjects such as world languages, English as a Second Language (ESL), English, dual enrollment courses and even elementary.

All students deserve to have access to effective teachers. The teacher shortage exists as both a "quantity issue" and a "quality issue." It is an issue of "quantity" because school districts across the Commonwealth struggle to find individuals who meet current licensure requirements to cover classrooms. It is also an issue of "quality" since superintendents are not satisfied with merely filling classrooms with teachers who happen to check the licensure box. They work toward the ideal of having teachers who are knowledgeable, culturally competent, skillful, and passionate about what they teach and whom they teach. They seek dedicated professionals who believe that all students can and will learn and are passionate about their responsibility in ensuring this. Legal, regulatory, and policy barriers to recruiting and retaining effective teachers must be removed. Barriers to hiring teachers (recruitment) and keeping teachers (retention) exist by law, regulation, and policy. Although some steps have been taken to improve the teacher licensure process with respect to reciprocity and provisional licensure, the need still exists for modernization which would hopefully streamline and expedite the process for obtaining licensure.

OBJECTIVES AND STRATEGIES

Objective 1

By 2022, attract an adequate number of qualified and diverse candidates into the teaching profession to appropriately staff positions in every Virginia public school.

Strategies

- Increase teacher pay to correlate with the state's national ranking regarding measures of wealth.
- Expand the eligible participants and increase funding for loan forgiveness programs such as Virginia Teaching Scholarship Loan Program.
- Launch "Virginia is for Teachers" marketing campaign with prospective teachers as the audience.
- Make public aware of the shortage through an information campaign.
- Create public service announcements that promote teaching as a fulfilling career, especially to students of color in Virginia's Historically Black Colleges and Universities (HBCUs).
- Establish a common teacher application across the state.
- Revert back to the VRS Plan 1 Status of the defined benefit model and eliminate the VRS Hybrid Model, which gives less ability to retire after 30 years.

Objective 2

By 2022, attract talented, high-performing, and diverse candidates into the profession.

Strategies

- Increase teacher pay to correlate with the state's national ranking regarding measures of wealth.
- Expand eligible participants and increase

VA-DOE-22-0316-B-000818

funding for loan forgiveness programs, such as Virginia Teaching Scholarship Loan Program.

- Launch Virginia is for Teachers marketing campaign with prospective teachers as audience.
- Make public aware of the shortage through an information campaign.
- Emphasize the teaching profession's impact and societal value to attract millennials.
- Identify ways to increase social status of teaching profession.
- Create public service announcements that tout how teaching can be a fulfilling career.
- Market the profession to attract a more diverse workforce being trained through HBCUs (i.e., Hampton University, Virginia State University, Virginia Union, Norfolk State University, and Virginia University in Lynchburg) to better reflect community demographics.

Objective 3

By 2021, create multiple pathways to teacher licensure at the state and local level.

Strategies

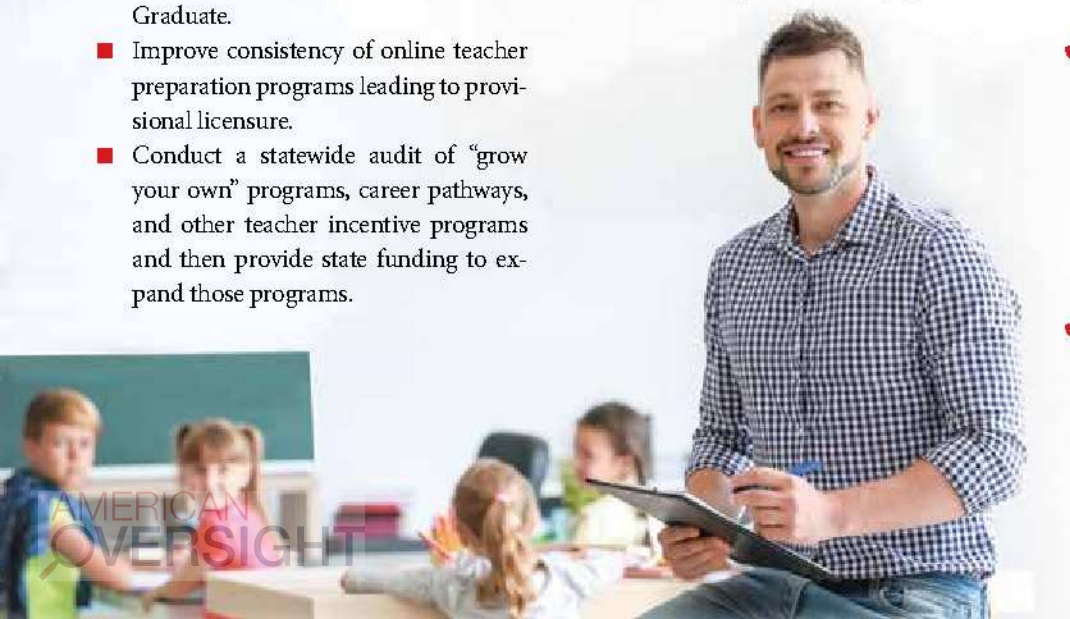
- Provide superintendents/school boards local flexibility to hire teacher candidates through local licensure waivers based upon successful teaching in the first year.
- Improve consistency and quality of pre-service teacher preparation programs and their alignment to Virginia's Profile of an Educator, Classroom and Graduate.
- Improve consistency of online teacher preparation programs leading to provisional licensure.
- Conduct a statewide audit of "grow your own" programs, career pathways, and other teacher incentive programs and then provide state funding to expand those programs.

Objective 4

By 2025, retain no less than 80 percent of quality teachers in the profession after 5 years.

Strategies

- Develop, implement, and monitor a comprehensive, statewide mentorship model that facilitates reflective practice, enhances skills and knowledge, and promotes collaboration and collegiality.
- Offer effective and ongoing professional development that involves teacher collaboration, constructive feedback, universal design for learning, literacy across curriculum, culturally responsive teaching, and promoting student agency.
- Improve working conditions at the classroom and school level (i.e., class size, discipline procedures, behavioral supports, teacher supplies, etc.).
- Provide effective principal leadership grounded in vision, communication, instructional expertise, human resource management, stakeholder engagement, cultural competence, and student achievement.
- Revise the teacher evaluation system to reflect a model of professional growth: reflection, feedback, and revision.
- Research a tiered, compensation system that recognizes instructional mastery, teacher leadership, student growth, and stakeholder engagement.
- Research and implement a differentiated compensation system for localities with high need demographics.



MEASURES OF SUCCESS

- ✓ Average teacher salaries will be at or above the national average by 2022 without requiring a local match. Currently, Virginia ranks 33rd in the nation. (Sarte et al. 2019)
- ✓ Average teacher salaries will reflect the current fiscal capacity of Virginia when compared to other states. (Virginia ranks 18th in "Per capita gross domestic product by state," so the average teacher salary should rank at least 18th in the nation.) (Sarte et al. 2019)
- ✓ Multiple marketing and branding strategies will be used by the Virginia Department of Education to attract an increased quantity and quality of teachers to the Commonwealth, particularly in hard-to-fill positions.
- ✓ Legislation will result in multiple actions to attract and retain teachers including reversion to VRS Plan I in the defined benefits model, loan forgiveness, and local licensure waivers.
- ✓ Implementation of grow-your-own programs will be supported by the Virginia Department of Education and successful programs will be shared with all divisions.
- ✓ Percent of quality teachers retained after 5 years will increase to 80 percent, particularly in divisions with the greatest percentage of hard-to-fill positions and/or low retention rates of novice teachers.
- ✓ Educator preparation programs in Virginia's community colleges and universities will be revised to reflect the practices and pedagogies that are foundational to implementation of the Profiles of a Virginia Graduate, Teacher, Classroom, and Leader.
- ✓ Working conditions data will be collected and used as one indicator to consider in addressing priorities relevant to school staffing.
- ✓ A statewide professional learning process will be implemented to reflect effective and ongoing professional development that involves teacher collaboration, relevant learning, constructive feedback, cultural competence, and opportunities for service to the community and the profession based upon intrinsic beliefs.
- ✓ A tiered compensation plan will address the critical need to provide salaries and benefits that are representative of teaching as a profession for teachers in every school division.

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THE PROFILE OF A VIRGINIA GRADUATE

The adequate and equitable distribution of educational resources in all school divisions is critical to preparing high school graduates to take their place as active participants in a globally driven and increasingly complex technological world. This preparation will not happen by chance. By providing effective and relevant learning in the classroom, the workplace, and the community, Virginia will ensure the potential of all students to be successful after they graduate from high school.

According to the Virginia Chamber of Commerce, "The availability of a well-trained and educated workforce remains the top concern for Virginia's business community, and with good reason. Companies need people with the right skills to help them grow, thrive, and prosper. Over the next eight years, Virginia can build its supply of talent through a deliberate focus on creating closer connections to the business community and jobs throughout its education system. These connection points include work-based learning experiences, the development of career exploration tools, and business involvement in the design of education and training programs." ("Blueprint VA 2025" 2017)

In the Virginia Chamber of Commerce Blueprint Virginia 2025, a Key Priority was established to address that "Less than half of high school students, only 45 percent, felt positively about their college and career readiness." ("Blueprint VA 2025" 2017) Youth Truth, a National Non-profit, National Student Survey reported: "Virginia's educational attainment is slightly above the national average in terms of individuals with a high school education ("Youth Truth Student Survey" n.d.). In 2015, Virginia ranked 28th in the nation for the percentage of its adult population (25 years or older) with at least a high school education" ("Virginia Performs: Measuring What Matters to Virginians" 2016).

GOAL

All Virginia school divisions will ensure that Virginia graduates will leave school "life ready" and prepared for lifelong success by: Achieving and applying academic and technical knowledge; Demonstrating workplace skills, qualities, and behaviors; Building connections and valuing interactions with others as a responsible and responsive global citizen; and Aligning knowledge, skills, and personal interests with career opportunities.

Recent data on student engagement in schools reported by Gallup, shows that students' self-reporting of disengagement in school is at its lowest in elementary school (25 percent) and highest in high school (77 percent) (Hodges 2018). Even more disturbing are the Gallup data on teacher engagement that shows teachers report a high level of disengagement themselves (69 percent). (Hastings and Agrawal 2015)

The Profile of a Virginia Graduate can only be attained by students in our schools through a substantive increase in active engagement among students and teachers. This begins with the commitment of leaders in our schools, communities, and government to supporting the changes essential to creating challenging, interesting, and relevant learning experiences and use of instructional practices and assessments that actively engage learners in problems and projects that are relevant, matter and make sense to them.

OBJECTIVES AND STRATEGIES

Objective 1

Through partnerships with the Virginia Board of Education, the Virginia General Assembly, local school divisions, and institutions of higher education, curriculum and instruction will be aligned with the Profile of a Virginia Graduate to ensure the 5 Cs (Critical Thinking, Creative Thinking, Citizenship, Communication and Collaboration) are embedded in K-12 curriculum.

Strategies

- Ensure that the 5 Cs will be embedded in the state Standards of Learning when they are reviewed and updated at the state level (Virginia Board of Education).
- Assist divisions to unpack curriculum, provide pacing guides, promote collaboration among teachers (Virginia Department of Education), and develop non-standardized, alternative assessments to measure the success of the 5 Cs.
- Ensure funding is provided for resources needed by all students to facilitate the work in the area of curriculum and instruction in support of the Profile of a Graduate (Virginia Department of Education).
- Build partnerships with the Virginia Department of Education, professional organizations, business, and industry to assist in professional development.
- Identify and implement best practices (school divisions).
- Provide high quality professional development that is relevant, meaningful, timely, applicable and that benefits cultural competence (Virginia Department of Education and school divisions).
- Establish a culturally responsive frame-

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work to inform curricular and instructional efforts across Virginia, and include professional learning to support the use of the framework.

Objective 2

By 2021, the Commonwealth's educators will understand and apply knowledge and skills necessary to innovate and conduct school/division redesign work successfully.

Strategies

- Deregulate requirements from the Virginia Board of Education and the Virginia Department of Education to allow for innovation that supports variability in learning time, assessments, and modes of instruction to capitalize on student learning differences.
- Advocate for the human and financial resources necessary to ensure ideal learning environments that include optimal class size, highly qualified personnel, adequate resources, modernized facilities, transportation, and other operational items that impact learning.
- Advocate for equitable implementation of technological advances across the Commonwealth to include funds for technology to support contemporary student learning in formal and informal settings, develop partnerships in rural areas to increase access to broadband and eliminate the growing digital divide.
- Provide training in skills and knowledge development necessary for division administrators and teachers to reimagine learning outcomes, programs, and coursework consistent with competencies that are foundational to the Profile of a Virginia Graduate by increasing student and teacher engagement, deeper learning, and equity of access for all students to rich, challenging learning experiences.

Objective 3

By 2021, create a wide variety of opportunities for all students to acquire workplace skills and work-related experiences.

Strategies

- Create a marketing plan template for divisions to use to engage local business, industry, the public sector and non-profits to create internships, externships, shadowing experiences, and other work-related experiences for all students.
- Develop internship coordinators and career connection coaches in school divisions to create networks and secure placements.
- Design and develop a teacher candidate program within all school divisions.
- Expect business, industry, and public sector to partner with local school divisions to develop work-related experiences.

Objective 4

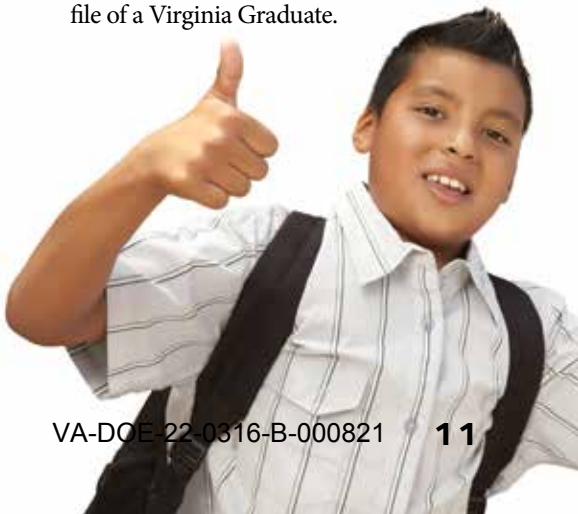
By 2021, the Virginia Department of Education will develop and provide a variety of measures to assess and monitor the initiatives detailed within the Profile of a Virginia Graduate.

Strategy

- The Virginia Department of Education will convene a diverse team of educators in partnership with state educational organizations to develop benchmarks for use by divisions to assess and monitor the impact of initiatives embedded in the Profile of a Virginia graduate.

MEASURES OF SUCCESS

- ✓ The Profile of a Virginia Graduate competencies will be integrated and aligned throughout the K-12 Standards of Learning as SOLs are revised as scheduled by the Virginia Department of Education.
- ✓ Regional professional learning conferences to support division staff will be planned, scheduled, funded, and implemented, 1) so that instructional resources can be designed and shared to align local curriculum, assessment, and instruction with revised SOLs and 2) to identify, reinforce, and model best practices for implementation of the Profile of the Graduate, Teacher, Classroom, and Leader.
- ✓ Partnerships will be developed with associations, local community businesses, corporations, and the Virginia Department of Education so that formal and informal professional learning and development will be available to ensure educators develop deep understanding of changing workforce and community needs that are addressed through the Profile of a Virginia Graduate (i.e., tech tours, teacher internships, etc.)
- ✓ Use the School Divisions of Innovation model (Soifer 2017) division site visits, and partnerships of associations, higher education, businesses, and agencies to create and support local innovations designed to change structures, personnel use, curriculum, assessment, and instructional practices that support work-based competency development, knowledge acquisition, and how-to-learn skills essential to lifelong learning, citizenship, cultural competence, and an evolving workforce.
- ✓ Equitable funding sources will ensure each division has the technology and technology support, including staff and infrastructure, to provide and ensure local access for all educators and students to accomplish learning tasks in their schools and communities.
- ✓ Ensure state and local funding that improves divisions' workforce conditions and learning options and experiences so that all students have access to ideal learning environments regardless of the school they attend.
- ✓ Each division will have the resources they need to implement a marketing plan essential to building local support and implementation of work-based experiences.
- ✓ Fund additional SOQ staffing to coordinate career and work-based experiences and create opportunities for students that include career coaching that is not but not limited to a future teacher candidate program in schools.
- ✓ Teams of educators convene and produce benchmarks to assess and monitor initiatives essential to implementing the Profile of a Virginia Graduate.



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FUNDING PUBLIC EDUCATION

Perhaps no issue strikes at the heart of equity more than the funding of public education. VASS believes that the most significant concern is the overall amount of state funding made available to school divisions. Specifically, the funding that is made available to PK-12 public education by Virginia is well below the actual investment in the children by localities. Appropriate funding for public education has been discussed for the better part of 40 years and has yet to be adequately addressed.

The true "cost" of investing in the children who reside in communities throughout the Commonwealth is reflected in the total investment made by both localities and the state. While some localities have the revenue capacity to fund above the Required Local Effort and Required Local Match, either the funding for the Standards of Quality is inadequate or the Standards of Quality are set too low. In particular, state funding to divisions over time has never recovered from the Recession of 2009. (Lanza 2019)

While funding issues may be portrayed as being a "large, urban" or "small, rural" issue, the overall amount of funding from the state is the most significant challenge. With the current formula, the division's enrollment has little to do with the amount of support that is provided per pupil from the state. However, the amount that is budgeted for PK-12 public education and the corresponding SOQ calculations have the most dramatic impact.

GOAL

Funding for public education in Virginia should be adequate to ensure that every student in the Commonwealth, regardless of jurisdiction, has the opportunity to become a high-achieving and high-performing citizen who contributes to the community and the workforce of the 21st century.

OBJECTIVES AND STRATEGIES

Objective 1

By 2022, funding for teacher compensation in Virginia should place teachers at the national average.

Strategies

- Increase the average teacher salary to the national average by 2022 without requiring a local match. Currently, Virginia ranks 33rd in the nation. (Sarte et al. 2019)
- By 2024, the average teacher salaries will reflect the current fiscal capacity of Virginia when compared to other states. That is, since Virginia ranks 18th in "Per capita gross domestic product by state," then the average teacher salary should rank at least 18th in the nation. (Sarte et al. 2019)
- Develop an aligned communication strategy with other advocacy groups that support public education (e.g., Virginia Public Education Coalition (VPEC), which represents 14 different education groups) to garner public support for funding PK-12 education. This strategy should include the use of personal stories and related data representing why this objective and strategies are essential at classroom, division, regional, and state levels.

Objective 2

By 2021, increase overall funding for PK-12 public education without requiring a local match.

Strategy

- Partner with VACo and VML to ensure the General Assembly authorizes and funds an independent Educational Adequacy Study to determine the appropriate level of resources needed for school divisions to meet state accountability

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requirements. The study should examine particular challenges for schools, such as the effect of concentrations of poverty, demographic changes, accelerated growth and declining enrollments, and identify funding required to meet the Standards of Learning, Standards of Accreditation, and Standards of Quality.

Objective 3

By 2022, eliminate the support staff cap and increase the SOQ ratios of support staff per teacher to improve services to all students without requiring a local funding match.

Strategy

- Use results from the Educational Adequacy Study to determine and fund the appropriate ratio of support staff needed to provide services so that all PK-12 students achieve learning success as evidenced by attendance, academic achievement, social and emotional development, and Profile of a Virginia Graduate competencies.

Objective 4

By 2023, fund all state Basic Aid at or above pre-recession levels and provide full utilization of Lottery Fund proceeds without supplanting other state funding. ("JLARC, State Spending and K-12 Standards of Quality" n.d.)

Strategies

- Adjust state funding formulas to reflect actual annual inflation rate.
- Restore the use of Lottery Fund proceeds as supplemental without supplanting state funding and relieving the state government of its responsibility to appropriately fund public education (i.e., at the time of this report, 60 percent of lottery funding is being used to supplant various state categorical funding).
- Use the Educational Advocacy Study to determine state funds that each division should currently receive, if adjusted annually for inflation, using funding formulas to ensure local funding at or above pre-recession levels accounting, and for increased services mandated by legislation and regulation.

Objective 5

Restore and provide state funding for facility/infrastructure to ensure that all students have access to modern facilities and infrastructure, regardless of each locality's ability to pay.

Strategies

- Fund the Virginia Public School Construction Grants Program consistent with Code of Virginia § 22.1-175.1
- Develop new partnerships to provide alternative funding sources essential to modernizing and renovating school facilities to more intentionally support the contemporary learning experiences that align with students' development of Profile of a Virginia Graduate competencies.

Objective 6

Increase At-Risk Add-On funding and allow greater local flexibility in determining how to maximize the use of these funds to ensure all students are successful in school by any accountability measure.

Strategies

- Increase the funding cap to a minimum of 16 percent for the At-Risk Add-On which is currently at 14.5 percent (19-20) so that divisions with significant poverty, or a low composite index, or less ability to fund education receive increased funding to support and align programs, staffing, local innovation initiatives that address student achievement, implementation of the Profile of a Virginia Graduate, and work-force needs in those divisions.
- Determine how to modify regulations that direct use of At-Risk Add-On funds to provide increased flexibility in use of funds by divisions.

MEASURES OF SUCCESS

- ✓ Meet stated benchmarks for teacher compensation based on national measures including state salary rankings and per capita gross domestic product by state.
- ✓ Use of partnership communication plan and strategies that result in full public support for increased state funding for PK-12 education needs as identified in this *Blueprint for Equity in Virginia's Public Schools.*
- ✓ An independent Education Adequacy Study is completed and report recommendations are used to inform legislators, the Virginia Board of Education, local School Boards, business partners, and communities across Virginia for the resources needed to identify current educational challenges and address those challenges with provision of the resources necessary to ensure equity and access to the best learning experiences possible, regardless of where a student lives or his/her own personal circumstances.
- ✓ The SOQ support staff positions and ratios are funded and increase to fully support the needs of 1) diverse schools 2) all PK-12 students and 3) the contemporary learning practices and program options essential to implementing the Profile of a Virginia Graduate in every division.
- ✓ Every school division receives funding from the state and other partnerships necessary to modernize, build, and renovate school facilities so that PK-12 contemporary learning practices and initiatives can be developed to support implementation of the Profile of a Virginia Graduate.
- ✓ Increased state funding is made available to divisions with challenges of significant poverty, or a low composite index, or insufficient local funds to adequately provide facilities, staff, and services to all students.
- ✓ Regulations are modified to allow the use of At-Risk Add-On funds to increase local flexibility in order to more effectively meet learning needs.

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THE CALL FOR CHANGE

> ***We are in the business of unfolding the unique human potential of every child.***
>
> —Virginia Association of School Superintendents

Virginia is a national leader in implementing educational innovation critical to all students receiving not just an adequate education but one that is best in class. The Virginia Association of School Superintendents has established a successful track record in its work as a key advocacy leader with the General Assembly and the Virginia Department of Education to obtain and direct resources so that schools across the Commonwealth will meet the high expectations that the public holds for Virginia's PK-12 schools and their graduates.

In the first *VASS Blueprint for the Future of Public Education (2011)*, superintendents defined key changes they believed were critical to advancing student learning with emphasis on integration of performance competencies, multiple means of assessment, and a focus on grade appropriate career development experiences that serve to prepare students for a globally competitive market. VASS leaders were instrumental members of the Governor's Standards of Learning Innovation Committee in bringing forward recommendations for changes in state assessments that were implemented through legislative action by the General Assembly. In 2015, the SOL Innovation Committee recommended development of the Profile of a Virginia Graduate and that recommendation was legislated into action and further developed by the Virginia Board of Education.

The New Blueprint for the Future of Public Education was released in 2015 by VASS with a focus on advocacy to the General Assembly to fully fund the state's share of the standards that the General Assembly uses to define the quality of education – the Virginia Standards of Quality or SOQ. The 2015 Blueprint also emphasized increased flexibility in local decision-making about seat-time, test administration, and alternative pathways to verify credits.

In this latest iteration, a *Blueprint for Equity,* superintendents articulate a "Call for Change" as a vision of equity that incorporates advocacy for resources necessary to ensure that our youngest learners in pre-school to our seniors in high school all participate in rich, challenging learning experiences, in ideal learning environments, taught by excellent, engaged educators.

However, VASS members know this alone is not enough to sustain the momentum of Virginia's evolving culture of educational innovation and commitment to equity.

Teachers must have access to exemplary professional development opportunities, competitive pay, and a variety of tools and resources to level the learning playing field for every student enrolled in Virginia's public schools.

Divisions with extensive challenges must receive the funding and resources they need so their students are not denied the educational opportunities available to peers in more privileged zip codes.

Students must receive the adult support they need to find personal pathways to social, emotional, and academic development and success.

The partnerships forged through implementation of the goals, objectives, and strategies in the Blueprint for Equity will ensure that Virginia is for Learners, all learners, no matter where they live or the circumstances of their lives. "What the best and wisest parent wants for their child, that must we want for all the children of the community. Anything less is unlovely, and left unchecked, destroys our democracy" (Dewey).

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BLUEPRINT FOR ACHIEVING EQUITY SOURCES

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The partnerships forged through
implementation of the goals,
objectives and strategies
in this Blueprint for Equity
will ensure that

VIRGINIA IS FOR LEARNERS,

all learners,
no matter where they live
or the circumstances of their lives.

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:18 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:39 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Maggie Reeder-Thornton, for which our **final deadline for response is this Friday, 2/18** (the request is also cut and pasted directly below).

> "I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 2:25 PM
Subject: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Maggie Reeder-Thornton** <margaret.e.thornton@gmail.com>
Date: Thu, Feb 3, 2022 at 2:48 PM
Subject: Re: FOIA Request
To: FOIA, rr <foia@doe.virginia.gov>

Absolutely! I'd like to have emails from January 21, 2022 through February 2, 2022.

With gratitude,
Maggie

--
Maggie Reeder-Thornton, Ph.D.
Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
she/her/hers (What is this?)

On Thu, Feb 3, 2022 at 2:44 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> Good afternoon, Dr. Reeder-Thornton:
>
> Upon closer review of your request, are you able to confirm the intended date range for this request?
>
> I appreciate your help.
>
> Best regards,
> Rebecca Westfall

> On Wed, Feb 2, 2022 at 5:14 PM Maggie Reeder-Thornton <margaret.e.thornton@gmail.com> wrote:
> > Thank you so much!
> >
> > On Wed, Feb 2, 2022 at 5:13 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > Good evening, Dr. Reeder-Thornton:
> > >
> > > I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. Please be advised that we will notify you in advance should we anticipate a cost associated with this request.
> > >
> > > Have a good evening.
> > >
> > > Best regards,
> > > Rebecca Westfall
> > >
> > > On Wed, Feb 2, 2022 at 3:38 PM Maggie Reeder-Thornton <margaret.e.thornton@gmail.com> wrote:
> > > > Hello!
> > > >
> > > > I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
> > > >
> > > > With thanks,
> > > > Margaret Thornton
> > > > 332 10 1/2 St. NW
> > > > Charlottesville, VA 22903
> > > > --
> > > > Maggie Reeder-Thornton, Ph.D.
> > > > Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
> > > > she/her/hers (What is this?)
> > > > --

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Maggie Reeder-Thornton, Ph.D.
Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
she/her/hers (What is this?)

--

Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:06 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:37 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Hi, Dicky:

Thank you for taking time out of your busy schedule to meet with us this morning. As requested, our and pasted below is the pending FOIA request from David Walrod, for which an extension has already been invoked (**final deadline for response is this Friday, 2/18**). Of note, this request was also submitted directly to the FOIA email account for the Governor's Office.

> "On January 24, 2022, Governor Youngkin announced on conservative radio his intention to set up an email address intended to report schools or teachers for "inherently divisive practices." This email has since been announced publicly. I would like to request copies of any emails sent or received by the email address, helpeducation@governor.virginia.gov, as well as any internal VDOE paperwork related to this email address."

Best,
Rebecca W.

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 2:27 PM
Subject: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Denise Birch <denise.birch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **David Walrod** <dswalrodfof...@gmail.com>
Date: Wed, Feb 2, 2022 at 4:41 PM
Subject: Re: FOIA request: Records related to Governor's tip line
To: FOIA, rr <foia@doe.virginia.gov>

My address is:
451 Malvern Lakes Circle, Apt 134
Fredericksburg, VA 22406

On Wed, Feb 2, 2022 at 3:23 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> Good afternoon, Mr. Walrod:
>
> I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. As permitted by Va. Code § 2.2-3704(A), we kindly request that you provide your complete legal address. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.
>
> Have a good evening.
>
> Best regards,
> Rebecca Westfall
>
> On Wed, Feb 2, 2022 at 3:04 PM David Walrod <dswalrodfof...@gmail.com> wrote:
> > On January 24, 2022, Governor Youngkin announced on conservative radio his intention to set up an email address intended to report schools or teachers for "inherently divisive practices." This email has since been announced publicly. I would like to request copies of any emails sent or received by the email address, helpeducation@governor.virginia.gov, as well as any internal VDOE paperwork related to this email address.
> >
> > David Walrod

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:25 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:41 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Tim Thornton,which is identical to the request that I just forwarded you from Maggie Reeder-Thornton. **Our final deadline for response is this Friday, 2/18** (the request is also cut and pasted directly below).

> "I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:55 PM
Subject: VDOE FOIA Review: Due date 2/18/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **tim thornton** <timothywthornton@gmail.com>
Date: Thu, Feb 3, 2022 at 3:53 PM
Subject: Re: FOIA request
To: FOIA, rr <foia@doe.virginia.gov>

My apologies, Ms. Westfall.
I'd like to have emails from January 21, 2022 through February 2, 2022, please.

Thank you,

Tim Thornton

Sent from my iPhone

> On Feb 3, 2022, at 2:47 PM, FOIA, rr <foia@doe.virginia.gov> wrote:
>
> Good afternoon, Mr. Thornton:
>
> Upon closer review of your request, are you able to confirm the intended date range for this request?
>
> I appreciate your help.
>
> Best regards,
> Rebecca Westfall
>
> On Wed, Feb 2, 2022 at 8:23 PM tim thornton <timothywthornton@gmail.com> wrote:
> > Thank you, Ms. Westfall.
> >
> > Sent from my iPhone
> >
> > > On Feb 2, 2022, at 5:16 PM, FOIA, rr <foia@doe.virginia.gov> wrote:
> > >
> > > Good evening, Mr. Thornton:
> > >
> > > I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. Please be advised that we will notify you in advance should we anticipate a cost associated with this request.
> > >
> > > Have a good evening.
> > >
> > > Best regards,
> > > Rebecca Westfall
> > >
> > > On Wed, Feb 2, 2022 at 4:55 PM tim thornton <timothywthornton@gmail.com> wrote:
> > > > Hello!
> > > >
> > > > I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
> > > >
> > > > With thanks,
> > > > Tim Thornton
> > > > 3760 Oldtown Road
> > > > Shawsville, VA 24162
> > > > Sent from my iPhone

AMERICAN OVERSIGHT

Sent from my iPhone

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:44 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:45 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Tim Hickey, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "I request all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:28 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Tim Hickey** <timhickeyteacher@gmail.com>
Date: Thu, Feb 3, 2022 at 10:55 AM
Subject: Re: FOIA Request
To: <foia@doe.virginia.gov>

Thank you for clarifying. In that case, I request all emails from the Office of the Governor to VDOE and from VDOE to the Office of the Governor related to helpeducation@governor.virginia.gov. Thank you.

On Thu, Feb 3, 2022 at 10:08 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, Mr. Hickey:
>
> I hope this message finds you well. I am writing in response to your Virginia FOIA request below for copies of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation through yesterday. Please be advised that this email account is maintained by the Office of the Governor, not the Virginia Department of Education. Accordingly, please direct this request to the Office of the Governor (please see their contact information below).
>
> **BY EMAIL**
> FOIA@governor.virginia.gov with the phrase "FOIA Request" included in the subject line of the email.
>
> **BY MAIL**
> Office of the Governor
> Patrick Henry Building
> 1111 East Broad Street
> Richmond, Virginia 23219
>
> **BY PHONE**
> 804-786-2211
>
> **BY FAX**
> 804-786-3985
>
> I hope you have a great rest of the week.
>
> Best regards,
> Rebecca Westfall

On Wed, Feb 2, 2022 at 5:26 PM Tim Hickey <timhickeyteacher@gmail.com> wrote:

> Good evening. Pursuant to VA Code Section 2.2-3704, please send me a copy of all emails sent to the email address helpeducation@governor.virginia.gov from the time of its creation to today. An electronic copy (e.g. PDF, will suffice).
>
> Thank you.
>
> Tim Hickey
> (434)566-3382

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:33 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:43 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Matthew Sommer, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.
>
> Regarding:
>
> The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH"

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:25 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Matthew Sommer** <matthew.john.sommer@gmail.com>
Date: Wed, Feb 2, 2022 at 10:26 PM
Subject: FOIA Request
To: <foia@doe.virginia.gov>

Hello,

Any Documents including, but not limited to, data submissions, emails, reports, slideshow presentations, videos, audio, and other correspondence submitted to VDOE, distributed internally, or distributed to school districts.

Regarding:

The ENFORCEMENT or INTERPRETATION of Executive Order Number 1 (2022): ENDING THE USE OF INHERENTLY DIVISIVE CONCEPTS, INCLUDING CRITICAL RACE THEORY, AND RESTORING EXCELLENCE IN K-12 PUBLIC EDUCATION IN THE COMMONWEALTH

Please let me know if there is any expected charge.

I am willing to accept this request digitally.

Thank You,
Matthew Sommer

--

REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:58 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

Attachments: Outlook-1rvbmoep.png

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:51 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Adrienne Mayfield with WAVY, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.
>
> I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:32 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
Date: Thu, Feb 3, 2022 at 4:17 PM
Subject: Re: FOIA request
To: FOIA, rr <foia@doe.virginia.gov>

Good afternoon Rebecca,

The time range is Jan. 15, 2022 to Feb. 3, 2022.

Best,
Adrienne

From: FOIA, rr <foia@doe.virginia.gov>
Sent: Thursday, February 3, 2022 1:40 PM
To: Adrienne Mayfield <Adrienne.Mayfield@wavy.com>
Subject: Re: FOIA request

Good afternoon:

I hope this message finds you well. Mr. Pyle forwarded me your Virginia FOIA request below. By way introduction, my name is Rebecca Westfall and I am the Agency Compliance and FOIA Specialist with VDOE's Office of Policy. We kindly request that you please confirm the intended date range for this request. Please be advised that we will notify you in advance should we anticipate a cost associated with producing any responsive records.

Have a great afternoon.

Best regards,
Rebecca Westfall

---------- Forwarded message ---------
From: **Adrienne Mayfield** <Adrienne.Mayfield@wavy.com>
Date: Thu, Feb 3, 2022 at 10:45 AM
Subject: FOIA request
To: Charles.Pyle@doe.virginia.gov <charles.pyle@doe.virginia.gov>
Cc: Jon Dowding <Jon.Dowding@wavy.com>

Good morning,

I am making a request under the Freedom of Information Act.

I am requesting copies of any written directives, instructions and/or guidance that the Virginia Department of Education has received from Gov. Glenn Youngkin's office regarding the implementation of Executive Order 1.

I am also requesting copies of any directives, instructions, and/or guidance that VDOE has received from the Governor's office regarding the divisive learning tip line.

I am requesting that your office waive any fees associated with this request; however, if you choose to charge for this request, I would like an estimated cost ahead of its fulfillment.

Thank you,

Adrienne Mayfield
Executive Producer of Investigations and Special Projects
WAVY-TV 10/WVBT FOX43
300 WAVY Street
Portsmouth, VA 23704
757-673-5425 Office

AMERICAN OVERSIGHT

adrienne.mayfield@wavy.com

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REBECCA WESTFALL, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:14:04 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:53 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Katherine Knott with The Daily Progress, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

> "I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:37 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Katherine Knott** <kknott@dailyprogress.com>
Date: Wed, Feb 2, 2022 at 9:40 PM
Subject: FOIA Request Feb. 2, 2022
To: foia@doe.virginia.gov <foia@doe.virginia.gov>

Feb. 2, 2022?

Dear Rebecca Askew,

Under the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 and following, I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2.

?If you determine that only portions of a file are exempted from release, I request that I be provided with all non-exempt portions or redacted versions as well as the specific exemption you are citing. I reserve my right to object to any withholding or deletion of information.

Please provide an estimate of costs prior to meeting my request.

If you have any questions concerning this request, please call me at (434) 422-7298.

I look forward to your response within five days as provided by the Act.

Sincerely,

Katherine Knott?

Katherine Knott
K-12 Reporter | The Daily Progress
O: (434) 978-7263 | M: (434) 422-7398
kknott@dailyprogress.com | www.dailyprogress.com<http://www.dailyprogress.com>

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Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
Office of Policy
Virginia Department of Education
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:13:50 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)

---------- Forwarded message ---------
From: **Westfall, Rebecca** <rebecca.westfall@doe.virginia.gov>
Date: Mon, Feb 14, 2022 at 9:49 AM
Subject: Fwd: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Below is the pending FOIA request from Ryan Miller with USA Today, for which an extension has already been invoked and our **final deadline for response is next Tuesday, 2/22** (the request is also cut and pasted directly below).

- "Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request

- Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all, between January 15, 2022 and February 3, 2022

- Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all (between January 15th and February 3, 2022)."

---------- Forwarded message ---------
From: **FOIA, rr** <foia@doe.virginia.gov>
Date: Thu, Feb 10, 2022 at 1:31 PM
Subject: VDOE FOIA Review: Due date 2/22/22 (extension has been invoked)
To: Denise Burch <denise.burch@governor.virginia.gov>
Cc: Shanor, Richard <dicky.shanor@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Myers, David <dave.myers@doe.virginia.gov>, Rebecca Westfall <rebecca.westfall@doe.virginia.gov>

---------- Forwarded message ---------
From: **Miller, Ryan** <rwmiller@usatoday.com>
Date: Fri, Feb 4, 2022 at 8:41 AM
Subject: RE: USA TODAY FOIA request VDOE 2.3.22
To: FOIA, rr <foia@doe.virginia.gov>

Hi Rebecca,

Thanks for getting back to me.

With "other personnel," I guess that wouldn't include anyone more than those employed by VDOE. I just wanted to include that term if there was a VDOE employee maybe not considered "staff" (ie part vs full time, etc.).

On the intended date range for bullets two and three, that should be the same as the date range for bullet one: "Between January 15, 2022, and the receipt of this public records request"

Thanks!

Ryan

From: FOIA, rr <foia@doe.virginia.gov>
Sent: Thursday, February 3, 2022 4:54 PM
To: Miller, Ryan <rwmiller@usatoday.com>
Subject: Re: USA TODAY FOIA request VDOE 2.3.22

AMERICAN OVERSIGHT

Good afternoon, Mr. Miller:

I hope this message finds you well. I am writing to confirm receipt of your Virginia FOIA request below. Please be advised that our office is still reviewing your request, and we will notify you in advance should we anticipate a cost associated with producing any responsive records.

Upon a cursory review of your request, are you able to confirm the intended meaning of "and/or other personnel" referenced in the first bulleted item? Are you also able to confirm the intended date range for the records requested in the second and third portions of your request?

I appreciate your help. Have a good evening.

Best regards,
Rebecca Westfall

On Thu, Feb 3, 2022 at 12:12 PM Miller, Ryan <rwmiller@usatoday.com> wrote:

> Hi Ms. Askew,
>
> Please see the attached PDF for my FOIA request. In brief, the request is seeking:
>
> - Any and all emails and/or other records, including but not limited to any attachments and responses to the emails, sent to and/or sent by helpeducation@governor.virginia.gov (an email address created by the Virginia governor's office) and later forwarded and/or shared with Virginia Department of Education and/or Board of Education members, staff and/or other personnel between January 15, 2022, and the receipt of this public records request
>
> - Any and all documents, policy papers, memos, presentations, reports and/or other similar records that pertain to how emails sent to and sent by helpeducation@governor.virginia.gov are to be shared with the Virginia Department of Education and/or Board of Education, if at all; are incorporated into Virginia Department of Education and/or Board of Education policy, if at all; and/or will affect statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all
>
> - Any and all emails, correspondences and/or other records sent by Board of Education members and/or the Superintendent that pertain to the email address helpeducation@governor.virginia.gov; how emails sent to or sent by helpeducation@governor.virginia.gov are shared with the Virginia Department of Education and/or Board of Education; and/or how emails sent to or sent by helpeducation@governor.virginia.gov affect Virginia Department of Education and/or Board of Education policy or statewide curricular standards under the purview of the Virginia Department of Education and/or Board of Education, if at all
>
> Please let me know if you have any questions or concerns regard this request.
>
> Thanks,
>
> **Ryan Miller**
>
> Reporter, USA TODAY
>
> Cell: (443) 990-1164
>
> Twitter: @RyanW_Miller

--

Rebecca Westfall, J.D.
Agency Compliance & FOIA Specialist
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.225.2092 | rebecca.westfall@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/16/2022 6:40:06 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: VDOE SEL site info we discussed

Attachments: image1.jpeg , image0.jpeg , image9.jpeg , image8.jpeg , image5.jpeg , image18.jpeg , image20.jpeg , image26.jpeg , image2.jpeg , image19.jpeg , image23.jpeg , image10.jpeg , image22.jpeg , image7.jpeg , image24.jpeg , image1[15].jpeg , image3.jpeg , image21.jpeg , image4.jpeg , image0[19].jpeg , image17.jpeg , image25.jpeg , image6.jpeg , image11.jpeg

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---------- Forwarded message ---------
From: **Anne Taydus** <anneelizabethcraft@yahoo.com>
Date: Wed, Mar 16, 2022 at 6:13 PM
Subject: Fwd: VDOE SEL site info we discussed
To: <superintendent@doe.virginia.gov>
CC: <elizabeth.schultz@doe.virginia.gov>

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Dr. Ballow
I sent this to Elizabeth Schultz per a conversation we had regarding the major issues with the VDOE SEL since the Governors divisive concept guidance is in direct conflict with the use of CASEL and almost every link on the VDOE site.

I will be speaking tomorrow at the meeting along with many of our board members

Thank you!
Anne Taydus
VP strategy and Advocacy
Virginians for Children First
804.332.9939

https://form.jotform.com/220708695150052

https://form.jotform.com/220708695150052

Sent from my iPhone

Begin forwarded message:

From: Anne Taydus <anneelizabethcraft@yahoo.com>
Date: March 16, 2022 at 5:31:50 PM EDT
To: elizabeth.schultz@doe.virginia.gov
Subject: VDOE SEL site info we discussed

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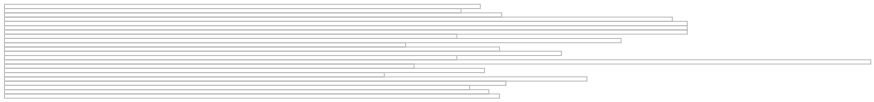
Ms. Schultz, I hope Chesterfield is treating you well! I put the jotform together if you would like the links. I told the team to grant you access. I put them all there specifically for you. So here is a copy of the link so you can have access to them. I was going to put a an entire presentation together on PowerPoint for tomorrow but developing a non profit and yesterday's sexual assault at a Thomas Dale high school have been at the top of my list

So unfortunately I have a million pieces I was going to put into a power point but with it being the end of Wednesday I wanted to get them at least sent out separately together for you. The screenshots are the extremely problematic areas. The videos are from the links on the VDOE SEL site as are the documents

If you have questions my cell is 8043329939
And I will be there to speak in the morning.
Anne Taydus



https://youtu.be/-E-Up9_mOW4 SEL equity

https://youtu.be/b0hbELlHkUs. Reading. Casel

https://youtu.be/dlpeymIXuIE. Data science

https://youtu.be/ye80s0SJHqQ - sel support. Ideas. Equity driven.

https://youtu.be/5XWGp5EJDyw Culturally relevant advisory committee
https://youtu.be/RkDMOdZhaK4

Vdoe pbs source social awareness https://www.pbslearningmedia.org/resource/social-awareness-social-emotional-learning/social-emotional-learning-video/

Relationship skills https://www.pbslearningmedia.org/resource/relationship-skills-social-emotional-learning/social-emotional-learning-video/

Positive impact if SEL per VDOE -> CASEL
https://casel.org/fundamentals-of-sel/what-does-the-research-say/

Vdoe SEL and equity. https://ies.ed.gov/ncee/edlabs/infographics/pdf/REL_MW_Integrating_a_Focus_on_Equity_into_Social_and_Emotional_Learning.pdf

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Casel SEL equity https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/

Casel. SEL equity fighting racism https://youtu.be/UPWrnBA2274
https://youtu.be/DPFMfultXSY
https://youtu.be/m3yHe45dipA
https://youtu.be/JphZpROqUsw

Urgency for equity CASEL https://youtu.be/R5XsfrWwCsc

Trauma SEL. https://youtu.be/-LsceUH3i0o

Casel. SEL and equity https://schoolguide.casel.org/what-is-sel/equity-and-sel/

Transforming identity https://youtu.be/PpsswKB269U

5cs
http://www.virginiaisforlearners.virginia.gov/media-library/

https://youtu.be/f4JUFe5wblo
Critical thinking. https://youtu.be/IhNnactbvUU

Vdoe data dashboard https://www.doe.virginia.gov/instruction/learns/virginia-learns.pdf#page=8

SEL resource library https://padlet.com/sarah_bazemore1/VAis4SEL

WHAT SEL DOES TO CHILDREN
https://youtu.be/IDtGw8Ss-VA

Why SEL must be in all schools https://www.lessonsforsel.com/post/why-every-school-must-have-a-social-emotional-learning-plan-prior-to-reopening

Responsive classroom https://youtube.com/user/responsiveclassroom

Identity https://padlet-uploads.storage.googleapis.com/418766834/23c8a5753630256d78a78e300c94d1cc/Let_students_identify_themselves_on_the_first_day_of_class__Ask_them_to_fill_out_index_cards_with_their_preferred_name_and_pronouns__then_be_sure_to_update_the_class_list_and_share_that_list_when_there_s_a_subst.pdf

What is restorative Justice http://www.restorativeresources.org/uploads/5/6/1/4/56143033/rj_what_it_is_and_is_not.pdf

Learning for Justice https://www.learningforjustice.org/classroom-resources/lessons

Empathy
https://padlet-uploads.storage.googleapis.com/418766834/3d117d43e4d2beb0f7cb5e9e9b7c4bd1/StartEmpathy_Toolkit.pdf

Anti bias lessons https://padlet-uploads.storage.googleapis.com/418766834/69796a8dec60d6beac02c35f595e075f/ADL_Anti_Bias_Lessons.pdf

Casel sample teaching https://casel.s3.us-east-2.amazonaws.com/Sample-Teaching-Activities-to-Support-Core-Competencies.pdf

Using data https://dataqualitycampaign.org/wp-content/uploads/2018/10/Using-Data-to-Support-and-Communicate-Effectively-about-SEL.pdf

Rate yourself https://padlet-uploads.storage.googleapis.com/418766834/59aed16eefcb4a4f9193f79f977af563/Goal_Worksheets_11.pdf

More data collection https://www.closegap.org/

Goopenva https://goopenva.org/groups/?f.search=Social+Emotional+Learning

Goopenva. Riot language https://microsite-vadoe-prod.s3.amazonaws.com/media/courseware/relatedresource/file/A_Riot_is_the_Language_of_the_Unheard_ruon6Qy.pdf

Goopenva history of racism https://goopenva.org/courseware/lesson/3851/overview

SEL IN ADVANCING EQUITY - same woman who does Antiracism https://youtu.be/wn6HeVlzr20

Transformative SEL https://casel.org/fundamentals-of-sel/how-does-sel-support-educational-equity-and-excellence/transformative-sel/

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We Can't Talk About Racism Without Social Emotional Skills - Future Focused Education.pdf
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Sent from my iPhone

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

Take a step back, however, and these circles closely resemble group therapy. Consider a few example questions that one author at Edutopia suggests:

- How does the state of your mental health affect you as a person?
- What do you do to relieve stress?
- Who would you like to forgive?

And now compare those to a few recommended questions at a counseling center:

- How do you think your negative thoughts influence your behavior?
- What are some things that make you feel stressed? How are you coping with these things?
- Is there anyone in your life you're struggling to forgive? Why?

The questions grow increasingly personal with time. One guide in San Francisco encourages teachers to ask questions that are "edgy" and "controversial." My graduate training incorporated them, during which our instructors encouraged us to share personal stories about any trauma that we'd faced. Needless to say, being compelled to disclose such intimate details of my life with complete strangers was an uncomfortable experience.

We should all want mental health care and structured, emotional support for students who need it. But deputizing teachers into a role far beyond their expertise runs into several problems that violate the American Psychological Association's "Code of Ethics." And it could lead to disastrous outcomes.

The code begins with the exhortation that psychologists only "provide services, teach, and conduct research...within the boundaries of their competence." Counselors generally need at minimum a master's degree and hundreds of hours of supervised experience before they take on individual, group, or family therapy. While teachers have more background in child psychology than the average citizen, it pales in comparison to that of a trained, licensed psychologist.

While student teaching, at the behest of my teacher prep program, I made such circle conversations a semi-regular part of the classroom. One day, a student shared in the presence of his bullies that he had considered suicide. It was a dangerously volatile scenario, one that my handful of professional development sessions did not come close to preparing me for.

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School Finance

SOCIAL EMOTIONAL LEARNING (SEL)

Page Contents

- Virginia's Vision for Social Emotional Learning
- Virginia's Definition of Social Emotional Learning
- Virginia's SEL Guidance Standards
- Core SEL Competencies
- Positive Impact of SEL
- SEL Resources

Virginia's Vision for Social Emotional Learning

The Virginia Department of Education's social emotional learning (SEL) efforts are driven by our commitment to ensure that every student in Virginia attends a school that maximizes their potential and prepares them for the future: academically, socially, and emotionally. Virginia's vision for SEL is intended to center equity in this work, which is key to VDOE's vision and mission.

> *"The vision of social emotional learning in Virginia is to maximize the potential of all students and staff to become responsible, caring and reflective members of our diverse society by advancing equity, uplifting student voice, and infusing SEL into every part of the school experience."*

Virginia's Definition of Social Emotional Learning

If you use Casel Virginia's definition doesn't matter

To meet this vision, the VDOE established a uniform definition of social emotional learning based on the Collaborative for Academic, Social, and Emotional Learning (CASEL) definition. Virginia defines social emotional learning as:

> *"The process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions."*

Social emotional learning begins at home and continues through adulthood. Embedding SEL intentionally in school culture advances the work that begins and continues at home.

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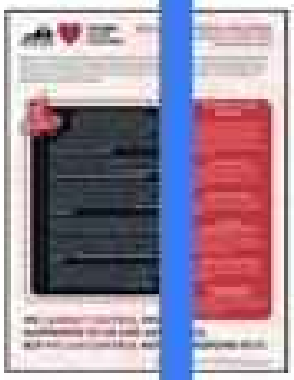
Social Emotional Wellness Quick Guides

...portant information and resources for school communities.

Considerations for Teachers and School Staff (PDF)



Resources include:

- Supporting Self-Care for Educators During COVID-19
- Social Emotional Learning (SEL) Learning for Educators Toolkit
- How to Support Teachers Emotional Needs Right Now

Considerations for Military-Connected Learners (PDF)

Resources include:

- State and Federal Resources for Military Families (PDF)

Considerations for Early Learners (PDF)

Resources include:

- Early Learners Book Nook for Dealing with Big Emotions (PDF)
- My Individual Action Plan (PDF)
- Common Reactions and How to Help (PDF)

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Considerations for Students with Disabilities (PDF)

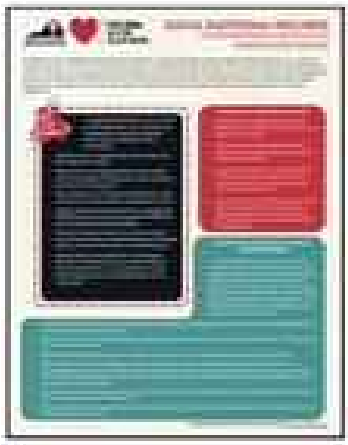
Resources include:

- Social Stories and Communication Tools (PDF)

Considerations for Youth in Marginalized Groups (PDF)

Resources include:

- Addressing Race and Trauma in the Classroom
- Understanding Implicit Bias



Considerations for Parents and Caregivers (PDF)

Resources include:

- Parent Resources for Cyber-Bullying (PDF)
- Activities and Learning at Home Resources (PDF)
- Common Reactions and How to Respond (PDF)
- Talking to Children about COVID-19 (PDF)
- Children Coping Resources (PDF)

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are valued

Culturally Responsive Educators

-Reflect on their own cultural lens.

-Model high expectations for all students.

-Promote respect for student differences.

-Recognize and redress bias in the system.

-Challenge stereotypes, prejudices, racism, and other forms of intolerance, and oppression.

-Are change agents for social justice and academic equity.

-Cultivate relationships beyond the classroom anchored in affirmation, mutual respect and validation.

-Engage in reflection of their beliefs, behaviors and practices.

-Communicate in linguistically and culturally responsive ways.

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8:04

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ASSESSING, RECOVERING, NURTURING & SUCCEEDING

Navigating Virginia Education in Uncertain Times

A year into the COVID-19 pandemic the VDOE brought together a variety of stakeholders - the Virginia LEARNS workgroup - to use information collected and compiled from many sources to create a guidance document for school divisions. The workgroup focused on equity, wellbeing, and instructional issues including curriculum, assessment and remediation, recovery and interventions.

As schools reopen and develop plans for summer programs and the 2021-22 school year, keen attention needs to be given to addressing learning gaps exacerbated by the pandemic and to the mental health needs of students and staff. Understanding that all of our programs need to ensure equity, the checkpoints and resources below will assist leaders and staff as they consider guiding questions, assess and allocate available resouUrces, and deploy plans to meet the needs of *all* students.

The resources provided here build upon the Recover, Redesign, Restart 2020 work. Stakeholders are also encouraged to refer to the department's School Reopening Frequently Asked Questions, a resource aligned with the interim CDC guidance for schools and serves as a recommendation for Virginia schools to mitigate risks associated with COVID-19.

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Virginia LEARNS ON-THE-GO!

Virginia LEARNS is now available wherever you are! Simply use this handy one-sheet to navigate to key sections of this valuable resource. You can scan the QR code or click any of the icons to get where you need to go. It's just that easy to get the information you need, with Virginia LEARNS ON-THE-GO (PDF)!

Data Dashboard

Feedback from hundreds of stakeholders has been compiled to guide

- Data Dashboard (PDF)

Equity

Aligned with the EdEquityVA work, these links provide guiding questions and action steps to ensure equitable access for ALL students.

- Equity Checkpoint (PDF)
- Equity Considerations (PDF)

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Virginia Guidance SEL Standards

In accordance with HB 753, passed during the 2020 Virginia General Assembly, the Virginia Department of Education (VDOE) established a uniform definition of social-emotional learning and developed the Virginia Guidance SEL Standards for all public students in grades Kindergarten through 12 in the Commonwealth.

You do not have to use Transformative SEL- until we change legislation there ARE other options

Core SEL Competencies

All through a lens of equity and social justice!

There are five core social emotional learning competencies that address broad and interrelated areas of competence. These SEL competencies can be taught and applied at various developmental stages from childhood to adulthood and across diverse cultural contexts.

Self-awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.

Self-management: The abilities to manage one's emotions, thoughts, and behaviors effectively in different situations and to achieve goals and aspirations.

Social awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, and contexts.

Relationship skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.

Decision-making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

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Additional Resources

- VDOE Special Education Resource page for COVID-19 - includes many resources applicable to special education, parents, SEL and more.
- Restart & Recovery: Meeting the Assessment Needs of Students with Disabilities During Times of Interrupted Schooling - CCSSO, June 2021
- Restart & Recovery: Supporting English Learners with Disabilities during Remote Learning & School Reopening - CCSSO, June 2021
- Addressing Disrupted Instruction in the Social Studies: Recommendations on a Matter of Equity and National Importance - CCSSO, June 2021
- Advancing Student Learning and Opportunity Through Voluntary Academic Summer Learning Programs (PDF) - RAND Corporation, May 2021
- 2021 Summer Learning & Enrichment - state guidance from district and school leaders, CCSSO
- *State Plans for Accelerating Student Learning: A Preliminary Analysis* (PDF) - April 21, 2021, CCSSO
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 2: 2021
- ED COVID-19 HANDBOOK (PDF) - USDOE Volume 1: 2021
- *Operational Strategy for K-12 Schools through Phased Prevention* - May 15, 2021
- COVID-19 RELIEF FUNDING for K-12 Education - CCSSO, May 2021
- What We've Learned about Unfinished Learning (PDF) - iReady, March 2021
- Estimated 40,000 children have lost a parent to COVID-19 - American Academy of Pediatrics, April 5, 2021
- *Confronting COVID-19-Related Harassment in Schools* (PDF) - U.S. Department of Justice and U.S. Department of Education, May 2021

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Top of Page

- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social-Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision-making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations - known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health [redacted] tionally

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VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

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APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we	Y (link vi below)

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Culturally Responsive and Inclusive Practice

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> *The cultural competence of adults is intimately connected to the achievement of students.*
>
> *Gary R. Howard*

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practice among Virginia's educator workforce is critical to ensuring inclusive learning environments and equitable outcomes for all students. Our strategy will focus on the following tactics as the primary vehicles for Increasing the Cultural Competency of Virginia's Educator Workforce:

- Increasing Teacher Diversity
- Supporting Culturally Relevant Teaching Pedagogy
- Enhancing Teacher Preparation
- Amending Licensure Requirements to include Cultural Competency
- Developing new Professional Learning Opportunities
- Supporting Courageous Leaders
- Revising Educator Evaluation to include Cultural Competency Efficacy
- Incorporating Cultural Responsiveness and Inclusion into School Climate Evaluation

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Defining Culturally Responsive Practice for Virginia Educators

Establishing expectations for culturally responsive practice among Virginia's educator workforce is critical to supporting the effective delivery of professional development. These expectations are framed into four quadrants that represent practices at the following critical levels: (1) culturally responsive schools, (2) culturally responsive leadership, (3) culturally responsive educators, and (4) culturally responsive pedagogy.

These four leverage points represent components of the educational ecosystem that can be transformed by culturally responsive practices to better serve students historically marginalized by race. Defining what culturally responsive practices look like in these four levels also aids in identifying data points, situating student outcomes through an equity lens supported by culturally responsive pedagogies, identifying capacity building needs, and creating spaces for continuous community input and support.

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As the creators of the most widely cited SEL definitions, CASEL now sees a need to clarify what's necessary to achieve the vision of SEL for all educators, adults and young people. We've updated our definition and framework to pay close attention to how SEL affirms the identities, strengths and experiences of all children, including those who have been marginalized in our education systems. CASEL has continued to highlight the importance of enhancing the social-emotional competence of all young people and adults, while putting additional emphasis on how we can all learn and work together to create caring and just schools and communities.

CASEL's Definition of SEL (2020 Update):

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CASEL's Definition of SEL (2020 Update):

"Social and emotional learning (SEL) is an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

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SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just communities."

As we continuously learn and refine our

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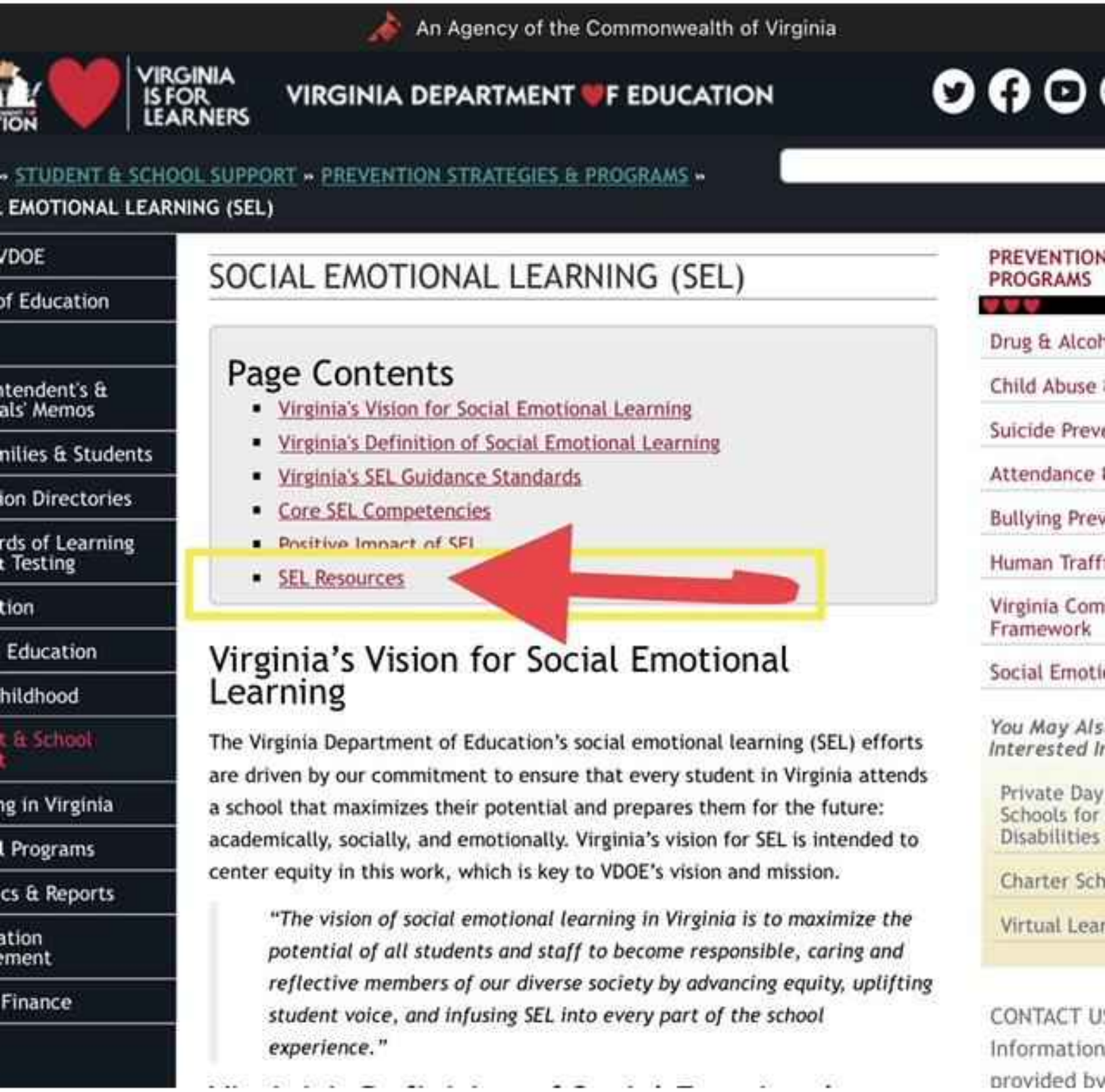

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- Improvements in reading comprehension

SEL Resources

Equity

- SEL can be an effective tool for creating caring, just, inclusive, and healthy communities that support all individuals in reaching their fullest potential:
  - Equity and SEL Resources (CASEL)
  - Integrating Equity into SEL Infographic (PDF)

Trauma Informed Practices

- SEL and trauma informed practices share the goal of helping students develop social and emotional competencies so they may respond successfully to the challenges of the world they live in.

Supporting English Language Learners

- Social Emotional Learning and Support for English Learners (recorded webinar) - The VDOE created a video to explore the ways that SEL can support the needs of English Language learners in Virginia.

Schoolwide SEL

- Indicators of Schoolwide SEL
- Virginia Career and Learning Center for School Mental Health Professionals - The VDOE is creating a module series, *The Fundamentals of SEL*, which will introduce SEL and highlight several components of schoolwide SEL.

Planning Resources

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components of schoolwide SEL.

Planning Resources

The VDOE recognizes that in order to implement SEL, preparation and planning is required. There are a number of guides and toolkits available to assist educators in planning for, and implementing social emotional learning at the division and school level:

- CASEL Guide to Schoolwide Social Emotional Learning (CASEL)
- SEL for Educators Toolkit (Transforming Education)
- Three Signature Practices Playbook: A Tool that Supports Systemic SEL (CASEL)
- SEL Integration Approach for Classroom Educators (PDF) (Transforming Education)
- Strategies for Establishing School Family Partnerships (CASEL)
- SEL and Family Partnerships (CASEL)

SEL State Examples

- Wisconsin Department of Public Instruction (DPI) Social Emotional Learning
- Massachusetts Department of Elementary and Secondary Education: Social and Emotional Learning in Massachusetts
- South Carolina Department of Education Social Emotional Learning

SEL in Action

The VDOE has a number of efforts that support social emotional learning.

- The VDOE Virginia Tiered Systems of Supports (VTSS) offers school divisions the opportunity to build their capacity to utilize a multi-tiered framework (or "way of work") to improve school climate and create effective and supportive learning environment for all students. This framework works through a lens of the whole child concept that aligns academics, behavioral, social and emotional wellness into a single databased decision making framework.
- The Profile of a Virginia Graduate establishes a new set of expectations known as the 5 C's : critical thinking, creative thinking, communication, collaboration and citizenship skills.
- Early Learning and Development Standards (PDF) include personal and social development standards aligned with social emotional learning.
- The 2020 Health Education Standards of Learning (SOL) intentionally include social emotional skills to build K-12 student's mental wellness skills - emotional development, self-concept and social competence.
- The revised *Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension* integrates SEL practices into prevention and intervention as a means of reducing exclusionary discipline practices and removing disparity in the use of suspension and expulsion.
- The purpose of Kindness Week is to recognize that simple day-to-day acts of kindness enable our schools, communities, and state to be a kinder, safer, healthier, and more inclusive place to live, work, learn, and play. By promoting kindness, we are promoting inclusivity by extending an opportunity for grace, empathy, dignity, and acceptance across Virginia.

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VA-DOE-22-0316-B-000865

opportunity for every student, every family, and every person across Virginia.

Learning during Uncertain Times

During the 2019-2020 and 2020-2021 school years, the effects of COVID-19 created prolonged disruption to the school and home routines.

Virginia LEARNS

The Virginia LEARNS initiative is about to take you on a journey to successful educational outcomes during uncertain times. The Student and Staff Wellbeing Checkpoint is the essential first-step consideration before embarking on the trip. The focus is on the social emotional wellness and physical health needs of our students, families, and staff. It will be critical to re-engage students in learning, rebuild relationships and school communities, and create equitable learning environments for all students.

CASEL CARES Initiative

CASEL

CASEL CARES INITIATIVE
Connecting the SEL Community

The CASEL CARES Initiative connects each of you in our global community with experts to address how SEL can be most helpful in response to today's circumstances. This site contains a variety of free resources as well as access to free weekly webinars to support educators. The site also features the *Reunite, Renew, Thrive: SEL Roadmap to Reopening School* (July 2020). The guide was developed as schools began to re-open and to illuminate a way forward with social and emotional learning that is centered on relationships and built on the existing strengths of a school community.

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A Systemic Approach to SEL Implementation

As exemplified by CASEL's infographic (© CASEL, All Rights Reserved), SEL implementation requires a systemic approach that emphasizes the importance of establishing equitable learning environments and coordinating practices across key settings of classroom, schools, families, and communities to enhance all students' social, emotional, and academic learning. Effective implementation integrates SEL throughout the school's academic curricula and culture, across the broader contexts of schoolwide practices and policies, and through ongoing collaboration with families and community organizations. These coordinated efforts should foster youth voice, agency, and engagement; establish supportive classroom and school climates and approaches to discipline; enhance adult SEL competence; and establish authentic family and community

The lens of equity

Positive Impact of SEL

The research on the impact of social emotional learning[1] demonstrates that SEL programming has a positive impact on academic performance, school attendance, disciplinary outcomes, and mental wellness. SEL lays the groundwork to create a safe and positive learning environment for students and adults, which allows for relationship building, collaboration, cultural competency, and critical decision-making. Research has shown that students participating in evidence-based SEL programs have:

- Improved classroom attitudes and behavior:
  - Better sense of community
  - More class participation
  - Stronger pro-social skills
  - Improved attendance
  - Better understanding of consequences
  - Better coping skills
  - Increased attitude toward school and learning
- Improved school performance:
  - Higher achievement test scores (+14%) and higher grades (+11%)
  - Improved metacognition skills
  - Improved problem-solving, planning, and reasoning skills
  - Improvements in reading comprehension

SEL Resources

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/10/2022 2:41:53 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Virginia Department of Education is still pushing CRT

Please see below…

---------- Forwarded message ---------
From: **pattyz2021** <pattyz2021@protonmail.com>
Date: Thu, Mar 10, 2022 at 1:37 PM
Subject: Virginia Department of Education is still pushing CRT
To: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Elizabeth,

I am a member of Fairfax Republicans and have talked to you a few times. We were way excited about you getting your current job.

Virginia Department of Education is still promoting Critical Race Theory in defiance of the governor. What is going on here? Did they do this behind your back? I can't imagine you putting up with this if you knew about it.

Here it is, a flyer and links to videos: https://content.govdelivery.com/attachments/VADOE/2022/03/07/file_attachments/2096356/SEL%20DAY%20%281%29.pdf

It is now called, get this, Social Emotional Learning. They get points for imagination. But watching the videos for a short while shows that it is simply CRT rebranded.

And our tax dollars are paying for this.

There is no reason for ANY VIDEOS. Education needs to be strictly academic subjects.

Please fill me in on what is happening here.

Patty Zevallos

Sent with ProtonMail secure email.
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 11:56:38 AM
To: elizabeth.schultz@doe.virginia.gov
Cc:
Subject: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES
Witness List

TIME	DATE	PLACE
10:00 a.m.	**Tuesday, March 1, 2022**	**2141 Rayburn House Office Building**

Subject: Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

Panel One:

The Honorable André Carson
Member of Congress

The Honorable Judy Chu
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Ilhan Omar
Member of Congress

Panel Two:

Maya Berry
Executive Director
Arab American Institute

Shoba Sivaprasad Wadhia
Associate Dean for Diversity, Equity, and Inclusion;
Samuel Weiss Faculty Scholar; and Clinical Professor of Law
Penn State Law

Zulfat Suara
Council Member At Large
Metropolitan Government of Nashville and Davidson County

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Asra Nomani
Vice President for Strategy and Investigations
Parents Defending Education

Hammad Alam
Staff Attorney and Program Manager, National Security and Civil Rights
Asian Law Caucus
Asian Americans Advancing Justice

Devon Westhill
President and General Counsel
Center for Equal Opportunity

Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 12:04:37 PM
To: "Aimee Guidera" <aimee.guidera@governor.virginia.gov>, "Sarah Huang Spota" <sarah.spota@governor.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Becca Glover" <becca.glover@governor.virginia.gov>, "Stewart, Coke M." <cstewart@oag.state.va.us>
Cc: "Jennifer Bean" <jennifer.bean@governor.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

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Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Associate Dean for Diversity, Equity, and Inclusion;
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President and General Counsel
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Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

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From: elizabeth.schultz@doe.virginia.gov
Sent: 2/24/2022 9:34:17 AM
To: walkerprof1@gmail.com, christine.harris@doe.virginia.gov, christonya.brown@doe.virginia.gov
Cc:
Subject: Invitation: Call with Rodney Walker @ Fri Feb 25, 2022 1pm - 2pm (EST) (walkerprof1@gmail.com)

Attachments: invite.ics

You have been invited to the following event.

Call with Rodney Walker

When Fri Feb 25, 2022 1pm – 2pm Eastern Time - New York **more details »**

Joining info Join with Google Meet
meet.google.com/yir-yxyz-igr

Join by phone
(US) +1 515-519-5336 (PIN: 923752753)

More phone numbers

Calendar walkerprof1@gmail.com

Who
- elizabeth.schultz@doe.virginia.gov - organizer
- laura.jennings@doe.virginia.gov - creator
- christine.harris@doe.virginia.gov
- christonya.brown@doe.virginia.gov
- walkerprof1@gmail.com

Attendees
Dr. Christine Harris, Director, Office of Humanities
Ms. Christonya Brown, History & Social Science Education Coordinator, Office of Humanities

House Resolution No 297

From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Jan 21, 2022 at 8:03 PM
Subject: Recognizing Virginia's Judeo-Christian heritage in public education

The purpose of my contacting you is to seek your input about academic recognition of our Judeo-Christian heritage in Virginia state history books aligned with Standards of Learning (SOL) U.S History I and II. Thankfully, the Critical Race Theory has been uprooted from our schools, but it has left a vacuum which I fear may result in a free-for-all of various new alternative theories regarding our state's history. I see this in the classroom already.

If you look at HR#297 it's easy to note that there are nine or so key events which reflect upon the Judeo-Christian heritage of our state. Each one of these events can easily be made into a chapter of a book for supplemental reading. One can even see traces of our Judeo-Christian heritage in our state constitution's bill of rights which clarifies in Section #16: "***it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.***"

Presently, I am finishing an historic book under a contract with Amazon, but I would very much like to discuss the possibilities of completing supplemental reading material aligned for SOL U.S History I and II regarding the Judeo-Christain heritage of our commonwealth. It is time for this. The purpose would not be to preach, or proselytize but to inform and enlighten.

Please kindly advise concerning the best way forward for this undertaking. Again, congratulations, and I'm looking forward to the policy changes initiated by our governor's executive orders.

Rodney Walker
(757) 409-0082

Going (walkerprof1@gmail.com)? **Yes** - **Maybe** - **No** more options »

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You are receiving this email at the account walkerprof1@gmail.com because you are subscribed for invitations on calendar walkerprof1@gmail.com

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Cc:
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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/17/2022 7:57:24 PM
To: "Marissa Fallon" <maag@midatlanticart.com>
Cc:
Subject: item j

Attachments: October 2020 Gifted Governors School SBOE item-j.docx

---

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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Virginia Board of Education Agenda Item

Agenda Item: **J**

Date: **October 15, 2020**

Title: **Final Review of Proposed Revisions to the *Regulations Governing Educational Services for Gifted Students* (8 VAC 20-40-10 et. seq.) (Proposed Stage)**

Presenter: **Michael Bolling, Assistant Superintendent, Department of Learning and Innovation**

Email: Michael.Bolling@doe.virginia.gov **Phone: (804) 225-2034**

Purpose of Presentation:
Action required by Board of Education regulation.

Executive Summary:
In 2010, the last comprehensive review of the *Regulations Governing Educational Services for Gifted Students* occurred, with the changes requiring implementation in 2012. In 2018, the Virginia Board of Education (Board) charged the Virginia Advisory Committee for the Education of the Gifted (VACEG) with reviewing policies and programming practices that supported equitable access to gifted programs. In July 2019, the VACEG presented their report to the Board. Following their report, the VACEG began to review the regulations and propose changes that aligned with their report. In addition, House Bill 1139 (Keam) passed the 2020 General Assembly that requires the Board to review the regulations and make changes for more equitable screening and identification of gifted students. The proposed changes align with the requirements of HB1139. Following first review on September 17, 2020 and Board suggestions, the regulations were modified to incorporate more accountability for addressing inequities and underrepresentation student groups in the goals and objectives section of the local plan (double-underlined and in red type on page 11). In addition, the regulations require divisions participating in an Academic Year Governor's School (AYGS) to address diversity goals, objectives, and strategies associated with the AYGS program. Finally, VDOE staff has initiated steps to increase the transparency of gifted identification data by race/ethnicity, gender, and socioeconomic status for each school. In the future, these data will be reported in each school's School Quality Profile.

Representatives of VACEG contributed to the proposed revised regulations over a two-year timeframe. Members consisted of parents, superintendents, gifted education coordinators,

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teachers, and college faculty. The diverse stakeholders provided suggestions regarding the implementation and development of gifted education programs with respect to equitable access for underrepresented populations and programs that support increased identification of diverse students. Additionally, a study of current literature and practice from the field of gifted education informed the process.

The proposed revised regulations include:

1. Additions to and revisions of definitions for critical terms;
2. Realignment of aspects of the screening, referral, identification, and placement components of the regulations to support best practices aligning with equitable access for gifted students, especially students from underrepresented populations;
3. Revision of components of the local plan for the education of the gifted;
4. Revision of the role and function of the local advisory committee for the education of the gifted; and
5. Addition of annual report expectations.

The proposed revisions to the regulations will allow the Board to update and guide school division identification procedures and services for gifted education.

Action Requested:
Final review: Action requested at this meeting.

Superintendent's Recommendation:
The Superintendent of Public Instruction recommends the Board of Education accept for final review the proposed revisions to the *Regulations Governing Educational Services for Gifted Students* (Proposed Stage).

Rationale for Action:
Board action is required to move forward on the changes to the *Regulations Governing Educational Services for Gifted Students*.

Previous Review or Action:
Previous review and action. Specify date and action taken below:

Date: September 17, 2020
Action: First Review (Proposed Stage).

Date: June 20, 2019
Action: Final Review (NOIRA)

Background Information and Statutory Authority:
Section 22.1-16 of the *Code of Virginia* permits the Board of Education to promulgate

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regulations as necessary to carry out its powers and duties. The current *Regulations Governing Educational Services for Gifted Students (8VAC20-40)* were adopted by the Board of Education in 2010 after an extensive review with proposed changes, and became effective in 2012. A comprehensive revision to these regulations has not occurred since 2012.

In 2018, the Board charged the VACEG with reviewing policies and programming practices that supported equitable access to gifted programs for underserved populations of students. In June 2019, the VACEG presented their report to the Board. At the June 2019 Board meeting, the Notice of Intended Regulatory Action (NOIRA) was opened to begin review of the regulations. Following the opening of the NOIRA, the VACEG began their 2019-2020 meetings by reviewing the regulations and proposing changes that aligned with 2019 report. During the 2020 General Assembly session, House Bill 1139 (Keam) passed that requires the Board to review the regulations and make changes for more equitable screening and identification of gifted students. The proposed changes align with the requirements of HB1139.

House Bill 1139 (Keam)

1. *§ 1. As part of its current comprehensive review of its Regulations Governing Educational Services for Gifted Students (8VAC**20-40-10** et seq.), the Board of Education shall consider revisions to the process of screening and identifying students for eligibility for gifted and talented programs and referring students to such programs to improve the identification of student populations that are underrepresented in such programs, including economically disadvantaged students, English language learner students, and students with disabilities. The Board of Education shall also consider revisions to the data collection requirements of the annual report required by such regulations to better inform equitable screening and identification for and access to gifted and talented programs for student populations that are underrepresented in such programs.*

The proposed revisions to the regulations will allow the Board to update and guide school division identification procedures and services for gifted education.

Timetable for Further Review/Action:
Final review of these proposed revisions is anticipated at the October 15, 2020, meeting. Following the approval of these proposed regulations, the Department of Education will proceed with submission under the provisions of the Administrative Process Act.

Impact on Fiscal and Human Resources:
The impact on resources for the revision of these regulations is not expected to be significant.

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8VAC20-40 Regulations Governing the Educational Services for Gifted Students

8VAC20-40-10. Applicability.

This chapter shall apply to all local school divisions in the Commonwealth, regarding their gifted education services for students from kindergarten through twelfth grade.

8VAC20-40-20. Definitions.

The words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Appropriately differentiated curriculum and instruction" means curriculum and instruction adapted or modified to accommodate the accelerated learning aptitudes of identified students in their areas of strength. Such curriculum and instructional strategies provide accelerated and enrichment opportunities that recognize gifted students' needs for (i) advanced content and pacing of instruction; (ii) original research or production; (iii) problem finding and solving; (iv) higher level thinking that leads to the generation of products; and (v) a focus on issues, themes, and ideas within and across areas of study. Such curriculum and instruction are offered continuously and sequentially to support the achievement of student outcomes~~,~~ and provide support necessary for these students to work at increasing levels of complexity that differ significantly from those of their age-level peers.

"Eligible student" means a student who has been identified as gifted by the identification and placement committee for the school division's gifted education program.

"Equitable representation" means the identification and development of all students who are capable of high levels of achievement when compared to others of the same age, experience,

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environment, or cultural background. A commitment to equitable access requires an examination of student representation for all groups of learners, especially underrepresented groups, economically disadvantaged students, English learners, and students with disabilities, and the diverse ways giftedness manifests itself; as well as meeting the needs of gifted students at their advanced levels of achievement to develop their potential through gifted programs or acceleration.

"Gifted students" means those students in public elementary~~, middle,~~ and secondary schools beginning with kindergarten through twelfth grade who demonstrate high levels of ~~accomplishment~~achievement or who show the potential for higher levels of ~~accomplishment~~ achievement when compared to others of the same age, experience, ~~or~~ environment, or cultural background. Their aptitudes and potential for ~~accomplishment~~achievement are so outstanding that they require special programs to meet their educational needs. These students will be identified by professionally qualified persons through the use of multiple criteria as having potential or demonstrated aptitudes in one or more of the following areas:

1. General intellectual aptitude. Such students demonstrate or have the potential to demonstrate several~~-~~ of the following characteristics beyond their age-level peers: ~~superior~~ advanced thinking and reasoning; persistent intellectual curiosity;~~ advanced use of language;~~ exceptional problem solving; rapid acquisition and mastery of facts, concepts, and principles; ~~and~~ or creative and imaginative expression across a broad range of intellectual disciplines ~~beyond their age-level peers~~.

2. Specific academic aptitude. Such students demonstrate or have the potential to demonstrate several of the following characteristics beyond their age-level peers in selected academic areas

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that may include English, history and social science, mathematics, or science: ~~superior~~ advanced thinking and reasoning; persistent intellectual curiosity; ~~advanced use of language;~~ exceptional problem solving; rapid acquisition and mastery of facts, concepts, and principles; ~~and~~ or creative and imaginative expression ~~beyond their age-level peers in selected academic areas that include English, history and social science, mathematics, or science~~.

3. Career and technical aptitude. Such students demonstrate or have the potential to demonstrate several of the following characteristics beyond their age-level peers in career and technical fields: ~~superior~~ advanced thinking and reasoning; persistent technical curiosity; ~~advanced use of technical language;~~ exceptional problem solving; rapid acquisition and mastery of facts, concepts, and principles; ~~and~~ or creative and imaginative expression ~~beyond their age-level peers in career and technical fields~~.

4. Visual or performing arts aptitude. Such students demonstrate or have the potential to demonstrate several of the following characteristics beyond their age-level peers in visual or performing arts: ~~superior~~ advanced creative reasoning and imaginative expression; persistent artistic curiosity; ~~and~~ or advanced acquisition and mastery of techniques, perspectives, concepts, and principles ~~beyond their age-level peers in visual or performing arts~~.

"Identification" means the multistaged process of finding students, including students for whom accurate identification may be affected because they are from an underrepresented group, economically disadvantaged, have limited English proficiency, or have a disability, who are eligible for service options offered through the division's gifted education program. The identification process begins with a divisionwide screening component that may be~~is~~ followed by a referral component., ~~and that concludes with the determination of eligibility by the school~~

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~~division's identification and placement committee or committees~~. The identification process includes the review of valid and reliable student data based on multiple criteria established and applied consistently by the school division. The process shall include the review of information or data from multiple sources to determine whether a student's aptitudes and learning needs are most appropriately served through the school division's gifted education program. The process concludes with the determination of eligibility by the school division's identification and placement committee or committees.

"Identification and placement committee" means the building-level or division-level committee that shall determine a student's eligibility for the division's gifted education program~~,~~ based on the student's assessed aptitude and learning needs. The identification and placement committee shall determine which of the school division's service options are appropriate for meeting the learning needs of the eligible student.

"Learning needs of gifted students" means gifted students' needs for advanced and complex content that is paced and sequenced to respond to their persistent intellectual, artistic, or technical curiosity; exceptional problem-solving abilities; rapid acquisition and mastery of ~~information~~ facts; conceptual thinking processes; and imaginative expression across a broad range of disciplines.

"Placement" means the determination of the appropriate educational options for each eligible student.

"Referral" means the formal and direct process that parents or legal guardians, teachers, professionals, students, peers, self, or others use to request ~~that~~ a kindergarten through twelfth-grade student be assessed for gifted education program services.

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"Screening" means the annual process of creating a pool ~~for~~ of candidates from kindergarten through twelfth grade using multiple criteria through ~~the referral process,~~ the review of current assessment data~~,~~ or ~~other~~ information from other sources. Screening is the active search for students who ~~are~~ may be then referred for the formal identification process.

"Service options" means the instructional approaches, settings, and staffing selected for the delivery of appropriate service or services provided to eligible students based on their assessed needs in their areas of strength.

"Single subject acceleration" means a strategy of progressing through a single subject at a rate faster than age-level peers.

"Student outcomes" means the advanced achievement and performance expectations established for each gifted student, through the review of the student's assessed learning needs and the goals of the program of study, that are reviewed and reported to parents or legal guardians.

"Talent development program" means a program model that exposes all students, especially those in the primary grades, to advanced and enriched curricula and instruction. Talent development programs encourage advanced thinking and reasoning and allow for the demonstration and documentation of gifted potential.

"Whole grade acceleration" means a strategy of advancing a student one or more grade levels.

8VAC20-40-30. (Repealed.)

8VAC20-40-40. Screening, Referral, Identification, and Service.

A. Each school division shall establish uniform procedures for screening, referring, identifying, and serving students in kindergarten through twelfth grade who are gifted in general intellectual

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or specific academic aptitude,~~.~~ including students for whom accurate identification may be affected because they are from an underrepresented group, economically disadvantaged, have limited English proficiency, or have a disability, If the school division elects to identify students in general intellectual aptitude, it shall provide service options from kindergarten through twelfth grade.

Identification in a specific academic aptitude area may occur as assessment instruments exist to support identification. If the school division elects to identify students in one or more selected academic aptitude areas, it shall provide service options through twelfth grade.

School divisions may identify and serve gifted students in career and technical aptitude or visual or performing arts aptitude, or both, at their discretion.

B. These uniform procedures shall include a screening process that requires instructional personnel to review, at a minimum, current assessment data on each kindergarten through twelfth-grade student annually. Some data used in the screening process may be incorporated into multiple criteria reviewed by the designated identification and placement committee to determine eligibility, but those data shall not replace norm-referenced aptitude or achievement test data.

C. These uniform procedures shall permit referrals from parents or legal guardians, teachers, professionals, students, peers, self, or others. Such referrals shall be accepted for kindergarten through twelfth-grade students.

D. An identification and placement committee shall review pertinent information, records, and other performance evidence for referred students. The committee shall consider input from a professional who knows the child. The committee shall include classroom teachers, assessment

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specialists, gifted program staff, school administrators, or others with credentials or experience in gifted education. The committee shall (i) review data from multiple sources selected and used consistently within the division to assess students' aptitudes in the areas of giftedness the school division serves, (ii) determine whether a student is eligible for the division's services, and (iii) determine which of the school division's service options match the learning needs of the eligible student. The committee may review valid and reliable data administered by another division for a transfer student who has been identified previously.

1. Identification of students for the gifted education program shall be based on multiple criteria established by the school division and designed to seek out those students with ~~superior~~ advanced aptitudes, including students for whom accurate identification may be affected because they are economically disadvantaged, have limited English proficiency, or have a disability. Data shall include scores from valid and reliable instruments that assess students' potential for advanced achievement~~,~~ as well as instruments that assess demonstrated advanced skills, conceptual knowledge, and problem-solving aptitudes.

2. Valid and reliable data for each referred student shall be examined by the building-level or division-level identification and placement committee. The committee shall determine the eligibility of each referred student for the school division's gifted education services. Students who are found eligible by the identification and placement committee shall be offered service options with appropriately differentiated curriculum and instruction by the school division.

3. The identification process used by each school division must ensure that no single criterion is used to determine a student's eligibility. The identification process shall include at least three measures from the following categories:

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a. Assessment of appropriate student products, performance, or portfolio;

b. ~~Record of observation of in-c~~Classroom ~~behavior~~ observation;

c. Appropriate rating scales, checklists, or questionnaires;

d. Individual interview;

e. Individually administered or group-administered, nationally norm-referenced aptitude or achievement tests;

f. Record of previous accomplishments (such as awards, honors, grades, etc.); or

g. Additional valid and reliable measures or procedures.

4. If a program is designed to address general intellectual aptitude, an individually administered or group-administered, nationally norm-referenced aptitude test shall be included as one of the three measures used in the school division's identification procedure.

5. If a program is designed to address specific academic aptitude, an individually administered or group-administered, nationally norm-referenced aptitude or achievement test shall be included as one of the three measures used in the school division's identification procedures.

6. If a program is designed to address either the visual or performing arts or career and technical aptitude, a portfolio or other performance assessment measure in the specific aptitude area shall be included as a part of the data reviewed by the identification and placement committee.

E. Within 90 instructional days, beginning with the receipt of a parent's or legal guardian's consent for assessment, the identification and placement committee shall determine the eligibility

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status of each student referred for the division's gifted education program and notify the parent or guardian of its decision. If a student is identified as gifted and eligible for services, the identification and placement committee shall determine which service options most effectively meet the assessed learning needs of the student. Identified gifted students shall be offered placement in an instructional setting that provides:

1. Appropriately differentiated curriculum and instruction provided by professional instructional personnel trained to work with gifted students; and

2. Monitored and assessed student outcomes that are reported to the parents and legal guardians.

8VAC20-40-50. (Repealed.)

8VAC20-40-55. Parental Rights for Notification, Consent, and Appeal.

A. School divisions shall provide written notification to and seek written consent from parents and legal guardians to:

1. Conduct any required assessment to determine a referred student's eligibility for the school division's gifted education program;

2. Announce the decision of the identification and placement committee regarding a referred student's eligibility for and placement in the school division's gifted education program; and

3. Provide services for an identified gifted student in the school division's gifted education program.

B. Each school division shall adopt a review procedure for students whose cases are appealed. This procedure shall involve a committee, the majority of whose members did not serve on the

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initial identification and placement committee, and shall inform parents or legal guardians, in writing, of the appeal process. Requests filed by parents or legal guardians to appeal any action of the identification and placement committee shall be filed within 10 instructional days of receipt of notification of the action by the division. The process shall include an opportunity to meet with an administrator to discuss the decision.

1. A parent or legal guardian of a student who was referred but not identified by the identification and placement committee as eligible for services in the school division's gifted education program shall be informed, in writing, within 10 instructional days, of the school division's process to appeal the committee's decision.

2. A parent or legal guardian of an identified gifted student may appeal any action taken by the school division to change the student's identification for, placement in, or exit from the school division's gifted education program.

C. Following the notification and consent of a parent or legal guardian, the identification and placement committee shall ~~apprise~~ notify school administrators of each student's eligibility status.

8VAC20-40-60. Local Plan, Local Advisory Committee, and Annual Report.

A. Each school board shall submit a comprehensive plan for the education of gifted students to the Department of Education (DOE) for technical review on a schedule determined by the department. Each school board shall approve a comprehensive plan for the education of gifted students that includes the components identified in these regulations. The development process for the school division's local plan for the education of the gifted shall include opportunities for public review of the school division's plan. The approved local plan shall be accessible through

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the school division's website and the school division shall ensure that printed copies of the comprehensive plan are available to citizens who do not have online access. The plan shall include the following components:

1. A statement of philosophy for the gifted education program and the local operational definition of giftedness for the school division;

2. A statement of the school division's gifted education program goals and objectives for identification, delivery of services, curriculum and instruction, professional development, equitable representation of students, and parent and community involvement. Specific language shall be included within the goals, objectives, and strategies that address inequities and underrepresentation of student groups. If the school division is a participating member of an Academic Year Governor's School (AYGS), the division's efforts to support the diversity goals of the AYGS shall be addressed;

3. Procedures for the early and on-going screening, referral, identification and placement of gifted students, beginning with kindergarten through twelfth grade in at least a general intellectual or a specific academic aptitude program; and, if provided in the school division, procedures for the screening, referral, identification, and placement of gifted students in visual or performing arts or career and technical aptitude programs;

4. A procedure for written notification of parents or legal guardians when additional testing or additional information is required during the identification process and for obtaining permission of parents or legal guardians prior to placement of a gifted student in the appropriate service options;

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5. A ~~policy~~ procedure for written notification to parents or legal guardians of identification and placement decisions, including initial eligibility and placement decision, changes in placement, or exit from the program. Such notice shall include an opportunity for parents or guardians to meet and discuss their concerns with an appropriate administrator and to file an appeal;

6. Assurances that student records are maintained in compliance with applicable state and federal privacy laws and regulations;

7. Assurances that (i) the selected and administered testing and assessment materials have been evaluated by the developers for cultural, racial, and linguistic biases; (ii) identification procedures are constructed so that those procedures may identify high potential or aptitude in any student whose accurate identification may be affected by economic disadvantages, by limited English proficiency, or by disability; (iii) standardized tests and other measures have been validated for the purpose of identifying gifted students; and (iv) instruments are administered and interpreted by a trained personnel in conformity with the developer's instructions;

8. Assurances that accommodations or modifications determined by the school division's special education Individualized Education Program (IEP) team, as required for the student to receive a free appropriate public education, shall be incorporated into the student's gifted education services;

9. Assurances that a ~~written~~ copy of the school division's approved local plan for the education of the gifted is available to parents or legal guardians of each referred student, and to others upon request;

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10. Evidence that gifted education service options from kindergarten through twelfth grade are offered continuously and sequentially, with instructional time during the school day and week to (i) work with their age-level peers, (ii) work with their intellectual and academic peers, (iii) work independently, and (iv) foster intellectual and academic growth of gifted students. Parents and legal guardians shall receive assessment of each gifted student's academic growth;

11. Procedures for a talent development program in the primary grades, kindergarten through second grade, shall be included. Procedures should include:

a. plans to expose all students to advanced learning opportunities, and

~~a.~~b. methods of documenting student progress to demonstrate the need for differentiated instruction and/or future gifted education referral and identification;

1~~1~~2. A description of the school division's program of appropriately differentiated curriculum and instruction demonstrating accelerated and advanced content. ~~;~~ Options for additional advanced courses for middle school and options for dual enrollment and additional advanced courses for high school students shall be included;

1~~2~~3. Policies and procedures that allow access to programs of study and advanced courses at a pace and sequence commensurate with their learning needs;

14. Policies and procedures that allow for early entrance into kindergarten and/or first grade. These procedures shall include multiple measures of a child's readiness for school. Multiple measures may include but are not limited to the following:

a. a common kindergarten/first grade readiness assessment,

b. a comprehensive evaluation that uses multiple valid and reliable instruments,

c. an assessment of cognitive, social, and emotional developmental domains, and

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~~a.~~d. a supervised transition period with consideration to the transition points all children experience;

15. Policies and procedures for whole-grade and single-subject acceleration shall be included. These procedures shall include:

a. a referral and screening process,

b. an assessment and placement process,

c. a supervised transition period with consideration to the transition points all children experience, and

d. professional development regarding current research on acceleration practices;

1~~3~~6. Evidence that school divisions provide professional development based on the teacher competencies outlined in ~~8VAC20-542-310~~ 8VAC20-543-320 related to gifted education; and

1~~4~~7. Procedures for the annual review of the effectiveness of the school division's gifted education program~~,~~ addressing at least one or more of the following components: ~~including~~ the review of screening, referral, identification, and/or program outcomes and procedures toward the achievement of equitable representation of students, the review of student outcomes, and the academic growth of gifted students that do not overly rely on standardized test measures. Such review shall be based on multiple criteria and shall include multiple sources of information. Multiple criteria should include but is not limited to:

a. differentiated product-based assessments,

b. differentiated pre- and post- performance assessments,

c. multiple indicators that measure mastery of content,

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d. higher level thinking skills,

e. achievement in specific program areas,

f. affective growth,

g. off-level standardized assessments, and

h. gifted annual report data.

B. Each school division shall ~~may~~ establish a local advisory committee composed of parents, school personnel, and other community members who are appointed by the school board. This committee shall reflect the ethnic and geographical composition of the school division. This committee shall have two responsibilities: (i) to review annually the local plan for the education of gifted students, including revisions, and (ii) to determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the advisory committee shall be submitted annually in writing to the division superintendent and the school board.

C. Each school division shall submit an annual report to the Department of Education in a format prescribed by the department. The information and data/graphs from the annual report shall be shared each year by school division leadership with school board members and the community.

D. The administrator supervising gifted education services should have a gifted education endorsement or nationally recognized gifted education micro-credentialing or equivalent.

8VAC20-40-70. Funding.

Funds designated by the Virginia General Assembly for the education of gifted students shall be used by school divisions in accordance with the provisions of the appropriation act.

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Proposed Regulation
Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-40-10 through 8VAC20-40-70
VAC Chapter title(s)	Regulations Governing Educational Services for Gifted Students
Action title	Revision of regulations school divisions must meet in their gifted education programs, Kindergarten - Grade 12
Date this document prepared	September 25, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The *Regulations Governing Educational Services for Gifted Students* provide definitions; criteria for screening, referral, and identification of gifted students; delivery of services parameters; and elements of appropriately differentiated curriculum and instruction necessary to meet the learning needs of these students. The regulations also provide requirements for professional development of instructional personnel, the school division's local plan for the education of the gifted, the annual report, and the local advisory committee for the education of the gifted.

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An extensive review to the existing regulations was approved by the Virginia Board of Education in 2010, with the Regulations requiring changes to be implemented by 2012. On September 17, 2020, first review of the proposed changes were accepted by the Virginia Board of Education and changes were made to support Board recommendations. The purpose of these proposed revisions is to integrate findings from relevant research regarding best practices and equitable access in identification, curriculum and instruction, delivery of services, and professional preparation into the standards Virginia public schools use to establish and operate programs for which the General Assembly has allocated funds through the *Standards of Quality*.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

All definitions are included in the regulations.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

None

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 22.1-16 of the *Code of Virginia* vests the Board of Education with the authority to 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 Title 22.1.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

This action is essential to ensure that students in the Commonwealth are provided with an education that is commensurate with their abilities. The state definitions and provisions found in the *Regulations*

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Governing Educational Services for Gifted Students establish the basic expectation for school divisions' services for gifted students. These regulations ensure that school divisions' programs respond appropriately to the learning needs of gifted students, especially those students with economically disadvantaged backgrounds, those with limited English language proficiency, or those with disabilities. The proposed regulations reflect the relevant findings from research regarding effective program options that support equitable access to gifted programs, appropriate curricular designs and instructional strategies for gifted students, and the significance of teacher professional development in providing appropriate instruction for gifted students.

[RIS6]

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The proposed regulations include:

1. Additions to and revisions of definitions for critical terms;
2. Realignment of aspects of the screening, referral, identification, and placement components of the regulations to support best practices aligning with equitable access for gifted students;
3. Revision of components of the local plan for the education of the gifted;
4. Revision of the role and function of the local advisory committee for the education of the gifted; and
5. Addition of annual report expectations.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantages of the proposed regulations for the public or the Commonwealth:

1. The proposed regulations require alignment of services for gifted students with current standards and practices found in relevant research and practice around equitable access to gifted programs;
2. The proposed regulations establish basic expectations for the annual screening of all students for gifted education services;
3. The proposed regulations establish the procedures for a talent development program in the primary grades, kindergarten through second grade;
4. The proposed regulations require advanced and accelerated options for gifted students through early entrance, whole-grade and single-subject acceleration;
5. The proposed regulations establish additional guidelines for the annual review of effectiveness;
6. The proposed regulations establish a local advisory committees reflective of the ethnic and geographically composition of the school division; and

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7. The proposed regulations require school division leadership to share the annual report information and data/graphs with school board members and its community.

There are no perceived disadvantages to the public, to the agency, or to the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

- There are no disproportionately significant negative or positive effects of the proposed regulations to any specific state agency.

Localities Particularly Affected

- There are no disproportionately significant negative or positive effects of the proposed regulations to any specific locality.

Other Entities Particularly Affected

- There are no disproportionately significant negative or positive effects of the proposed regulations to any specific entity.

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

Impact on State Agencies

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For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	There is minimal cost to the state to implement the proposed regulation revisions. Existing allocations should be sufficient to fund the state's responsibilities.
For other state agencies: projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	No impact
For all agencies: Benefits the regulatory change is designed to produce.	Greater diversity in gifted education identification and access to advanced programs and acceleration for the gifted students in all school divisions.

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	It is anticipated that additional costs would not exceed those funds currently allocated by the General Assembly through the *Standards of Quality*. 1. SOQ Basic Aid Funding – Gifted education funding supports the state share of one full-time equivalent instructional position per 1,000 students in adjusted average daily membership.
Benefits the regulatory change is designed to produce.	Equitable access to talent development and gifted education programs for underrepresented populations of students. Access to advanced level programs and acceleration for all identified gifted student to equitably support their academic needs.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Elementary, middle, and secondary schools in Virginia's 132 school divisions will be affected by the revisions to the regulations. The proposed regulations do not affect small businesses.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.	Estimates of the cost of the regulations would vary based on the size and levels of service Virginia's 132 school divisions choose to implement. However, this cost should be minimal. The proposed regulations do not affect small businesses.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:	No impact

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a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	
Benefits the regulatory change is designed to produce.	Greater diversity in gifted education identification and access to advanced programs and acceleration for the gifted students in all school divisions.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Neither the 2012 *Regulations Governing Educational Services for Gifted Students* nor these revisions increase the responsibilities of localities; small businesses will not be affected at all. There are no viable alternatives to updating these regulations.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The proposed regulations do not affect small businesses.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic

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impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The proposed regulations do not affect small businesses.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Other than the proposed changes to the regulations from the Virginia Advisory Committee for the Education of the Gifted, no public comments were received.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

In addition to any other comments, the Board of Education is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: https://townhall.virginia.gov. Written comments must include the name and address of the commenter. Comments may also be submitted by mail to Dr. Donna L. Poland, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120; or by email to Donna.Poland@doe.virginia.gov; or by fax at (804) 786-1597. In order to be considered, comments must be received by 11:59 p.m. on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (https://townhall.virginia.gov) and on the Commonwealth Calendar website (https://commonwealthcalendar.virginia.gov/). Both oral and written comments may be submitted at that time.

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Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

*If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.*

*If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.*

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
8VAC20-40-10		Applicability	No change
8VAC20-40-20		Definitions of terms used throughout the regulations for clarity of meaning	The addition of news terms used in the proposed regulations: equitable representation, single-subject acceleration, talent development program, and whole grade acceleration. Additional clarification in support of best practices, research, and equitable access for the following terms: gifted students and identification.
8VAC20-40-30		This section was repealed prior to 2010.	
8VAC20-40-40		Screening, Referral, Identification, and Service	Minor word changes to reflect consistence throughout the document.
8VAC20-40-50		This section was repealed prior to 2010.	
8VAC20-40-55		Parental rights for notification, consent, and appeal	Minor word changes to reflect consistence throughout the document.
8VAC20-40-60		Local Plan, Local Advisory Committee, and Annual Report provide school divisions with the required components of their local gifted plan as well as the structure requirements of	Wording changes were made throughout to align terminology and provide consistency. Additional wording in Item 2 requires more alignment of school division goals,

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		the local gifted advisory committee and annual report.	objectives, and strategies with Academic Year Governor's School's diversity goals. New Item 11 was added to include the procedures for a talent development program in the primary grades in support of early identification and equitable access. New Item 12 provides more clarification on advanced coursework for middle and high school students. New Item 13 was only a change in item number; no change in requirement New Item 14 was added to include policies and procedures that allow early entrance and access to gifted programs in support of early identification and equitable access. New Item 15 was added to include policies and procedures for whole grade and single-subject acceleration in support of equitable access and best practices research. New Item 16 was only a change in the VAC number. New Item 17 provides additional guidance on the procedures for the annual review of effectiveness. Item B requires divisions to establish a local advisory committee reflective of the ethnic and geographic composition of the community. Item C requires school divisions to share information and data from the local gifted annual report to school board members and the community.
8VAC20-40-70		Funding statement	No change

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/7/2022 1:52:12 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Literacy, Crosswalks etc.

Attachments: Critical_Literacy_Grade2.pdf ,Critical_Literacy_Grade3.pdf ,Critical_Literacy_Grade4.pdf ,Critical_Literacy_Grade5.pdf ,Critical_Literacy_Grade6.pdf ,CROSSWALK_Technical_Edits___USII_v2.pdf ,USI_AAHEC_Crosswalk_v2.pdf ,Virginia_Studies_AAHEC_Crosswalk_v2.pdf ,Transgender_Policy.pdf ,CROSSWALK_Technical_Edits___VA_US.pdf ,K-2_AAHEC_Crosswalk_v2.pdf

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Overview

Have you ever heard a group of boys adamantly say, "You can't play soccer, you're a girl!" or a child make a confused face when a student mentions he lives at two different houses? Children are constantly observing and critiquing the world around them. They are often egocentric and question things that are different from their life experiences. Educators have a unique responsibility to guide students' inquiry about the world and help them develop empathy and acceptance for others.

In this unit, you have an opportunity to help students develop a critical lens and reflect on their own perspectives and the perspectives of others. Listen closely to what students are talking about. Once you notice the issues and topics students are talking about, select texts that allow them to critically analyze how these issues are constructed. It is your goal to not only help students become aware of biased messages and perspectives in the world around them, but to learn the fundamental truth that no text is neutral. This is big, important work, but it is through this work that you shift students' mindsets from "You can't play with us." to "Do you want to join?" With help from authors like Rosemary Wells in *Yoko,* you have the opportunity to bend conversations from "Ew! Why does your food look like that!" to "Tell me more about when you lived in Japan!" (1998). As Paulo Freire writes in *Pedagogy of the Oppressed* (1968), you are not only teaching students to read the words, but to read the world.

Enduring Understandings and Essential Questions

Enduring Understandings	Essential Questions
• Understand that authors bring experiences, cultural influences, and ideas to their writing; no text is neutral. "Every text is just one set of perspectives on the world, a representation of it; language…works to construct reality" (Janks, 2005). • Understand that texts work to position their readers, and readers have a responsibility to interrogate the text. "The ideal reader, from the point of view of the writer, is the reader who buys into the text and its meanings" (Janks, 2005).	• What power do you have as a reader?

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• Understand that critical literacy is a way to read the world and develop agency. "Passive voice allows for deletion of the agent" (Janks, 2005).	

Unit Goals

- Critical readers notice stereotypes in text and illustrations.
- Readers explore perspectives that are included and those that are absent.
- Readers explore advantages and disadvantages of characters.
- Readers determine whether or not to accept how the text is positioning them.

2017 Standards

2.1 The student will use oral communication skills.
a) Listen actively and speak using appropriate discussion rules.
b) Use oral language for different purposes: to inform, persuade, entertain, clarify, and respond.
c) Speak audibly with appropriate voice level, phrasing, and intonation.
d) Share information orally with appropriate facts and relevant details.
e) Use increasingly complex sentence structures in oral communication.
f) Begin to self-correct errors in language use.
g) Participate as a contributor and leader in collaborative and partner discussions.
h) Ask and answer questions to seek help, get information, or clarify information.
I) Work respectfully with others and show value for individual contributions.

2.7 The student will read and demonstrate comprehension of fictional texts.
a) Make and confirm predictions.
b) Connect previous experiences to new texts.
c) Ask and answer questions using the text for support.
d) Describe characters, setting, and plot events in fiction and poetry.
e) Identify the conflict and resolution.
f) Identify the theme.
h) Draw conclusions based on the text.
i) Read and reread familiar stories and poems with fluency, accuracy, and meaningful expression.

2.8 The student will read and demonstrate comprehension of nonfiction texts.
c) Use prior and background knowledge as context for new learning.
d) Set purpose for reading.
e) Ask and answer questions using the text as support.
f) Identify the main idea.
g) Draw conclusions based on the text.
h) Read and reread familiar texts with fluency, accuracy, and meaningful expression.

For more information about the Virginia Department of Education's standards please consult the 2017 Virginia Department of Education Curriculum Framework

Revisiting Throughout the Year

Remember to incorporate Throughout the Year unit into your instruction during this unit. The following ideas will help you connect the Throughout the Year topics to this current unit of study.

Independent Reading

In this unit, you may choose to do more interactive read alouds than focus lessons. When planning for this, continue to help students preserve their independent reading time. This allows readers to build stamina while also giving them an opportunity to apply the critical literacy skills you have been teaching them to a variety of texts. Students apply thinking about the author's message, their own perspectives, and how those perspectives may change as they read more of the text. Students do this by having access to a variety of books including guided reading books, classroom library books, and high-interest choice books. While this unit is focused on fiction texts, students may read other genres as well. Students can apply a critical reading lens to all texts.

Reading Partnerships and Talk

Reading partners are strategically formed by the teacher and are kept consistent for a significant amount of time. This allows relationships and trust to be built between partners. Since you know your students better by this point of the year, use what you know about reading levels as well as personalities and strengths to form partnerships. Partnerships spend more time talking than actually reading together during this unit. They might share what they think about the author's ideas and how that impacts their own ideas. Remind them through your read alouds and focus lessons to try these strategies when talking about books with their partners. Remember, changes to partnerships can be made throughout this unit if needed. See Tier 1 Scaffolds and Supports for sentence frames.

Writing About Reading

Kugler reminds us in *Innovative Voice in Education*, "…not all students will ever feel comfortable participating in a discussion with 25 of their peers, no matter how 'safe' the space. Many adults can sympathize with the feeling of having something to say at a meeting, but being uncomfortable with the format of public speaking" (2013, p. 100). Second graders have been learning the habits of writing in response to reading. However, you may use this unit to model writing long about their thinking. Students may feel more comfortable sharing their thinking through writing. Before expecting students to take on this skill, model writing long using an interactive read aloud. Using this as an option provides students with another outlet to share their thinking, perspectives, and how they have changed based on a text. While students may need time to write long, it is important to remember that the writing about reading should not overtake a student's time and enjoyment of reading.

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Considerations for Teaching

The considerations listed below are ideas to keep in mind to develop student understanding of this unit's content. Planning with the Enduring Understandings and Essential Questions in mind will facilitate the forging of connections among important literacy ideas for you and your students.

Consideration 1: What is Critical Literacy?

Critical readers understand that texts are not neutral. When engaging in a critical literacy framework, readers take an active role and do not accept messages at "face value." From this perspective, readers examine, analyze, and evaluate the underlying ideas in texts, asking questions such as "What's the author's perspective?" or "What do I believe about this?"

In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez says, "[T]here is no such thing as a critical literacy text" (2010, p. 2). Instead, critical literacy is a framework or mindset from which one can analyze *any* text. Critical literacy takes into account that "[A]ll texts are created from a particular perspective with the intention of conveying particular messages" (2010, p. 3). As a result, readers need to take a tentative, questioning stance when reading any text. Readers need to question and analyze not only the *author's* beliefs and assumptions that have (explicitly or implicitly) influenced the message of the text, but also their *own* beliefs and assumptions that influence their reading of the text. These beliefs and assumptions might be social, cultural, or political, and they might be overt or subtle. Once readers identify these beliefs and assumptions, their job is to deepen or revise their own thinking about the topic as they evaluate the author's thinking. Once readers learn to do this work in a text, they can learn to look critically at the world around them.

One example of students engaging in critical literacy separate from literature is from Vivian Vasquez' book, *Negotiating Critical Literacy*. In talking with a group of three- to five-year-olds about a recent afterschool barbeque, one student noted that he didn't eat because they only served meat at the event. When questioned, the students learned that their classmate does not eat meat because he is a vegetarian. This ignited student-led inquiry on vegetarians which Vivian gladly indulged by gathering texts and resources for students to explore. Students then wrote a letter to the principal to share their new learning and requested a change to this unfair practice. In the end, vegetarian options were included in next year's barbeque as well as at other school events all because some three- to five-year-olds weren't willing to accept that some people's lifestyles were not represented at a school event.

In this situation, students felt comfortable asking questions and possessed the mindset that they did not need to accept an unfair situation. By dealing with a real-world problem that was relevant to students' lives, this experience gave those students agency and encouraged them to continue to look at the world through a critical lens. This demonstrates that it is helpful to provide students with opportunities to explore and investigate topics and issues that matter to them. Vasquez states, "Students learn best when what they are learning has importance in their lives. Using the topics, issues, and questions that they raise should, therefore, be an important part of creating classroom curriculum" (2010, p. 2). You may want to explore a set of texts surrounding slavery or civil rights;

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however, students may be passionate about analyzing unfair comments shared at lunch or bullying that occurred on the playground. These real-world situations are powerful places to begin work with critical literacy, teaching students to ask questions, analyze and reconstruct messages.

While the situations explored may be different from class to class, this unit encourages all readers to begin to question the author's perspective, identify an alternate perspective, share personal views, and develop awareness that text is biased. Help students to understand that they don't have to accept the messages authors are presenting or biases present in the everyday world.

Consideration 2: Applying Critical Literacy

The work of critical literacy does not begin and end with books. Rather, critical literacy is a stance in which individuals approach the world. Situations often arise at school which enable students to engage critically. On the playground you may overhear, "You can't be a firefighter, you're a girl!" Or, "Only kids in Mrs. Jones' class can play this game." You may have heard these beliefs openly expressed by students. These are the moments in which critical literacy becomes a moral imperative. Students explore and question ideas of fairness and justice in their classrooms. As situations arise, a critical literacy framework is used in everyday life.

You might begin a critical exploration into power, perspective, and privilege by discussing a real-world situation that is important to your students. Take note of the issues that students discuss that are of great importance to them. It may be desiring the newest sneakers or gadget or the social hierarchy within the classroom; use what speaks to your students. Using students' worlds as a jumping off point raises engagement and gives all students access to the conversation. As you transition this critical thinking into traditional and fractured literature, consider visiting familiar texts, such as *The Gingerbread Man* or *The Three Little Pigs*. By reading a familiar story to your class, students understand the plot and are ready to grapple with the critical issues that arise.

Examining text through a critical lens requires that students think *about the text*, as an entity unto its own. It requires taking students' comprehension of the plot further. Help students to consider the author's message and question the author's or the illustrator's stance and biases. This examination also prompts them to consider how they are being positioned as readers of the text.

Consideration 3: Uncovering Topics by Listening to Students

Texts and themes explored during this critical literacy unit come from student interest or topics that need to be addressed in your classroom community. As a teacher in a critically literate classroom, your first role is a listener. In order to make the greatest impact in this unit, start where your students are. Listen to the conversations that bubble up during recess or choice time. Notice the conflicts, see the patterns, think through next steps your students may need.

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As listeners and observers of students, you have the ability to bring to light topics about which students may have limited or biased views. Uncovering those views, having whole class conversations, and reading and discussing carefully selected texts, allows students to think through and possibly challenge their own beliefs while critically examining beliefs set forth by others.

In one kindergarten classroom the teacher noticed the following scenario unfold at the Drama Center. A male student wanted to pretend to be a firefighter and a female student wanted to be a doctor. Those roles were filled without any hesitation or resistance. But, when a different female student wanted to be a firefighter and another male student put on the nurse's scrubs (which were decorated with colorful tropical fish), suddenly, a frenzy broke out with exclamations of "You can't be a firefighter, you're a girl!" and "That's a girl's costume, and you're a boy!" After settling down the initial commotion, the teacher began planning for work on studying and thinking about gender roles. Through whole class conversations and interactive read alouds about gender roles, the class was able to think through a relatively heavy theme and address a need in the class community.

Every class is different and every class' needs are different. As a result, the themes you address in your classroom will be unique to your class. The chart below may serve as a starting point for themes you might address.

Possible Language Heard or Behavior Noticed	Theme to Address	Books	
• "You can't play with us." • "But, he's MY best friend." • "This club is only for…" • Exclusion • Bullying	Friendship	*Enemy Pie* by Derek Munson *My New Friend is So Fun* by Mo Willems *Each Kindness* by Jacqueline Woodson *The Sandwich Swap* by Queen Rania Abdullah *How to Lose All Your Friends* by Nancy Carlson	*The Recess Queen* by Alexis O'Neill *One* by Katherine Otoshi *The Invisible Boy* by Trudy Ludwig
• "Your name is weird." • "You can't be that character because you're not white." • "What are you saying? Speak English." • "She doesn't speak English." • Generalizations about different races • Classes that are largely homogenous in race • Mocking accents	Race and Culture	*The Name Jar* by Yangsook Choi *The Skin You Live In* by Michael Tyler *Whoever You Are* by Mem Fox *Amazing Grace* by Mary Hoffman	*The Colors of Us* by Karen Katz *Let's Talk About Race* Julius Lester *Skin Again* by bell hooks *Yoko* by Rosemary Wells

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• "My mom says that costs too much money." • "I went to D.C. and saw a lot of homeless people." • "Why don't you get new clothes?"	Class	*A Chance to Shine* by Steve Seskin *A Chair for My Mother* by Vera Williams *Something Beautiful* by Sharon Dennis Wyeth *An Angel for Solomon Singer* by Cynthia Rylant *Last Stop on Market Street* by Matt de la Pena *Tight Times* by Barbar Shook Hazen & Trina Schart Hyman *Fly Away Home* by Eve Bunting *A Day's Work* by Eve Bunting *Those Shoes* by Maribeth Boelts
• "You never let me have a turn!" • "Why do you get to decide what we do?" • "You're not the boss of me."	Fairness	*My Best Friend* by Mary Ann Rodman *Poppleton, "Neighbors"* by Cynthia Rylant *A Bargain for Frances* by Russell Hoban *Big Red Lollipop* by Rukhsana Khan *Z is for Moose* by Kelly Bingham
• "Only boys can do this." • "You can't do that. You're a girl." • "Boys are supposed to play with boys. Girls are supposed to play with girls." • "Pink is a girl color." • "That's gay."	Gender	*The Story of Ferdinand* by Munro Leaf *Grace for President* by Kelly DiPucchio *Jacob's New Dress* by Sarah Hoffman *Ballerino Nate* by Kimberley Brubaker *Piggybook* by Anthony Browne *Not All Princesses Dress in Pink* by Jane Yolen *Goblinheart* by Brett Axe *10,000 Dresses* by Marcus Ewert *Oliver Button is a Sissy* by Tomie dePaola *The Sissy Duckling* by H. Fierstein *William's Doll* by Charlotte Zolotow
• "Why don't you have a dad?" • "Why do you have two moms?" • "How come you don't look like your parents?" • "Why do so many people live in your house?"	Families	*Pecan Pie Baby* by Jacqueline Woodson *A Chair for My Mother* by Vera B. Williams *I Love You Like Crazy Cakes* by Rose Lewis *You Were the First* by Patricia MacLachlan *Dear Primo: A Letter to My Cousin* by Duncan Tonatiuth *Knock Knock: My Dad's Dream For Me* by Daniel Beaty *And Tango Makes Three* by Justin Richardson & Peter Parnell *Marisol McDonald Doesn't Match / Marisol McDonald no combina* By Monica Brown *Visiting Day* by Jacqueline Woodson *A Mother for Choco* by Keiko Kasza *Big Red Lollipop* by Rukhsana Khan *Year of the Jungle* by Suzanne Collins

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• "That's retarded." • "That's easy- why can't you do it?" • "What's wrong with you?"	Exceptionality or Disability	*Moses Goes to School* by Isaac Millman (Hard of hearing) *Ian's Walk: A Story about Autism* by Laurie Lears *Hair for Mama* by Kelly Tinkham (Cancer) *Dad and Me in the Morning* by Patricia Lakin (Deafness) *The Balancing Girl* by Berniece Rabe (Wheelchair Use) *Knots on a Counting-Rope* by Bill Martin Jr. and John Archambault (Blindness) *Be Good to Eddie Lee* by Virginia Fleming (Downs Syndrome) *My Buddy* by Audrey Osofsky (Muscular Dystrophy) *Thank You, Mr. Falker* by Patricia Polacco (Dyslexia)

Remember, this list is not prescriptive, and each theme does not need to be explicitly explored. The texts above examine specific themes and issues and are used based on your class' needs and interests. However, a critical lens can be brought to any book you read. In fact, you may find that students are just as able to critically interrogate texts that omit these important themes or bear them more subtly in the background. For instance, Kevin Henkes' *Sheila Rae, the Brave* calls into question power structures in a sibling relationship. Students can continue to bring this lens and these questions as we revisit familiar texts and engage with new books across the year.

As students begin to have deeper discussions on these topics, the goal is to become more critically aware of the world around them, transferring these learned skills into any conversation, any book, and any experience. Bearing in mind that literacy connects to all content areas, be attuned to conversations that may arise during social studies and science discussions and read alouds. Allow questions to be raised and differing viewpoints to be addressed. For example, in a social studies unit on explorers, students may raise concern about the Native Americans' missing perspective. Use such opportunities to further critical literacy and weave it into all parts of the day.

Consideration 4: Teaching Through Inquiry Using Interactive Read Aloud and Whole Class Conversations

In previous units, the teaching points are written as descriptions of behaviors readers exhibit (i.e. Readers determine the main ideas of the text.). This unit shifts to an inquiry model in which you mainly pose questions that elicit a critical reading of texts. Rather than relying on demonstration focus lessons as the main teaching tool, interactive read alouds and inquiry serve as the main methods of instruction. While you may need to occasionally model the kinds of thinking it takes to answer critical literacy questions, focus on facilitating student thinking and conversation (with a partner or the whole group) by posing questions.

Since the work of critical literacy may be new to your readers, an interactive read aloud provides a framework for getting started. The interactive read-aloud might include highly scaffolded think-alouds in which you model how to critically approach text. In *My Teacher is a Monster* rather than saying, "Did you notice

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how the teacher was yelling at the kids? The teacher is acting so mean here. The teacher is usually mean in books," You might say, "I heard Peter talking about how mean this teacher is. Can you talk about what this makes you think about teachers in books? I wonder what other teachers in the world are like." While modeling your own thinking is a heavy scaffold, it is important that the readers take on a critical lens themselves through a gradual release model.

In this unit, whole class conversations are used as a method to help students think and talk critically about texts. During these conversations, it is important to rely on facilitation skills rather than modeling. Acting as a facilitator will include questioning that supports students' own ideas and opinions around a topic of interest rather than projecting your opinion. This practice may feel uncomfortable at first because you aren't leading the conversation in one particular direction. When students are given the opportunity to explore topics, they uncover new perspectives. The environment that you create sends the message to students that the classroom is a safe space where they can say things that may not be commonly held beliefs or are unpopular. As always with whole class conversations, the goal is not to reach consensus in the group but to garner a multitude of perspectives and ideas. Students are not deciding whether a book is "right" or "wrong." Instead, help students interrogate the texts from the stance that no text is neutral.

The table below provides some examples of facilitation moves to use during whole class conversations.

Facilitation Move	Example/Sentence Starter
Posing a question	• "I am wondering what the author wants me to believe or do."
Listening for and Re-voicing Ideas	• "I heard you say _____, can we talk more about that?" • "Let's look closely at this part in the book and talk about what we think or notice."
Synthesizing	• "After listening to all of your ideas, I heard _____."
Pausing/Think time	• "I head you say _____, let's stop and think about that for a minute." • Allow silence and wait time

Consideration 5: Teachers as Readers

Before this unit begins, unpack the unit by reading with a critical literacy lens in a CLT. Regardless of your background and understanding of critical literacy, begin by choosing a text to read together. You could use a mentor text from this unit or choose a different text that meets your team's needs and interests. As you read the text, read with a critical lens, thinking *about* the text and examining the questions and thoughts that arise as you read. Try to be keenly aware of how the reading makes you feel, what thoughts and questions pop up in your mind, and what personal biases you may need to think through.

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After reading the text, have a discussion with your team about what you noticed and thought about as your read with a critical lens. As adult proficient readers, your discussion may start right away without any guiding questions, or you may want to use some of the questions listed in Consideration 3. Rather than asking question after question, dig a little deeper on one or two topics. Keep in mind that consensus is not the goal. Instead, unpack differing opinions and what may have led to those differences.

After some time, pause the discussion and reflect on the process, both as participants and as teachers. Take time to think through which parts were challenging and which felt successful. Then, consider your students and think about what supports you might need to have in place and possible ways to respond to challenges.

As this unit unfolds, your team might want to revisit this process again. You may want to reread the same text (as often happens with critical literacy) or read a new text and examine different questions and themes. Bear in mind that the heart of the unit is on interrogating and responding to text and there is no right or wrong path to take in experiencing this as a CLT. What is most important is being aware of and attuned to your critical thoughts as a reader, just as you want your students to do.

These questions might frame your thinking as a critical reader of any text or genre:

- Whose experiences and what kinds of experiences are given privileged voice in the text?
- What cultural and ideological assumptions (discourses) support the text? What assumptions about gender roles or relationships, social class, age, social customs or cultural identities are implicit in the text?
- Are the cultural and ideological assumptions on which the text is based consist or are there traces of conflicting discourses?
- How are the cultural and ideological assumptions constructed through the text's use of language, literary devices, and writing strategies?
- What alternative cultural and ideological assumptions have been left out or silenced in the text?
- How has the text been shaped by the cultural context in which it was produced?
- How does the text position the reader to accept its cultural and ideological assumptions?
- How do readers produce multiple readings of texts? Why is my reading different from someone else's reading?
- What is a resistant or oppositional reading and what purpose does it serve?

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Ongoing Assessment

Throughout this unit, assess students' ability to use a critical literacy lens while reading any text. You can check for understanding during conferences, exit tickets, reading journal entries, small groups, or listen in on partner talks and collect anecdotal notes. Subsequently, this information is analyzed and used to inform your small group and one-on-one instruction.

Conferring Questions:

- Why do you think the author wrote this story?
- What do you believe about this topic?
- What does the author want you to believe?
- Will you think or act differently after reading this text?
- Whose story is being told? Whose story is missing from this piece?

Pre-assess	Teach	Check for Understanding	Reteach and Enrich
Pre-assess the unit goal(s) and gather any other available data.	*Select teaching points and instructional delivery models based on the data.*	*Look for evidence of student understanding through ongoing assessments.*	*Differentiate instruction for the learners in your classroom. Information gleaned from this unit can be used to inform the next unit.*
• Pre-assessment • Use DRA2 continuum to determine areas of need	• Teaching Points • Interactive read aloud • Shared reading • Small group work • Reading conferences	• Anecdotal notes • Running records • Talk • Post assessment • Reading conferences	• Focus lesson • Interactive read aloud • Shared reading • Small group work • Reading conferences

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Instructional Delivery Models

Teaching Points

In previous units, the teaching points are written as descriptions of behaviors readers exhibit (i.e. Readers determine the main ideas of the text.). This unit shifts to an inquiry model in which you mainly pose questions that elicit a critical reading of texts. Rather than relying on demonstration focus lessons as the main teaching tool, interactive read aloud and inquiry lessons serve as the main methods of instruction. While you may need to occasionally model the kinds of thinking it takes to critically read texts, your focus is on facilitating student thinking and conversation (with a partner or the whole-group) by posing questions.

Critical readers notice stereotypes in text and illustrations.	• What messages does this text promote? • What ideas does the author or text want me to believe? • What choices does the author make that shows me how he or she thinks or believes? • Which (types of) characters are considered "good"? Which (types of) characters are considered "bad"? • Do the characters act in predictable ways? Did the author write in such a way that you are surprised by the characters?
Readers explore perspectives that are included and those that are absent.	• Whose perspective is told? Whose voice is heard? Whose voice is *not* heard? Whose perspective is missing? • How are different people, ideas, and issues represented in text (*The Reading Strategies Book*, 7.22)? • Whose voice and experiences are included in this text? What does this text have to say about power? • Which people have power? Which people are powerless? What does the author want you to believe? • Who has power in the story? What kinds of power do the characters have? What kinds of power does the author think are important? (i.e. physical, financial, intellectual, etc.)
Readers explore advantages and disadvantages of characters. Readers determine whether or not to accept how the text is positioning them.	• What are some ideas the author is assuming you believe? How do your ideas compare with those ideas? • Who is the "us" in this story? Who is the "them" in this story? Who does the author want you to be supporting? Who does the author want you to be against? • What is the lesson the characters learn? Do you accept or agree with these messages? • Who does the author expect you to like the most? How does the author try to do this? Do you accept or agree with this?

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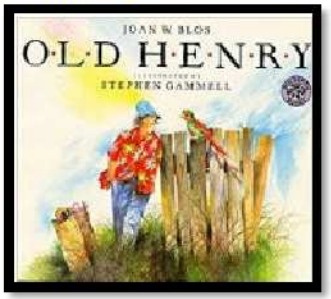
Interactive Read Aloud

An interactive read aloud is designed to help students interact with the text, the teacher, and with other students. In this unit, select high-quality and meaningful realistic fiction picture books. Demonstrate, model, and interact with the students to make connections, think about the author's message, and discuss the elements of stories. More information on planning an interactive read aloud and a planning template are available through these links.

Interactive Read Aloud Example

Old Henry by Joan W. Blos



Tier 1 Access to Rigor

- Tier 1 Access to Rigor- Q3

Considerations for English Learners

In this unit, students are asked to use language to analyze and evaluate.

To analyze, students will use language to separate concepts and ideas into parts, identify relationships and patterns, and find evidence to support generalizations. Example from unit 6: *"The pattern I notice in this book, Old Henry, is that Henry's neighbors keep talking about his house. I think the author wants us to know that the neighbors didn't like that Henry's house was messier than others."*

To evaluate, students will use language to assess and verify the worth of an object, idea, or decision. Example from unit 6: *"After finishing Old Henry, I think the most important thing about being a neighbor is understanding that everyone is different, because when Henry's neighbors realized that, they were all happier."*

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Tier 1 Scaffolds and Supports

This section contains scaffolds and supports for all students, including English learners and students with disabilities. These challenges can be addressed within whole group, small group, or in a one-on-one conference. Tier 1 Supports and Scaffolds for all learners provides general differentiation ideas that can be used when planning instruction.

If students…	Then…
• Have difficulty communicating their ideas	• Prompt students to check that they are saying something meaningful. (*The Reading Strategies Book*, 12.1 p.342) • Create and refer to an anchor chart with possible language. (This could be a whole class anchor or personal anchor chart.) • Consider partnering a beginning English learner with two other students to make a trio (instead of a partnership).
• Have difficulty being accepting of others' ideas and opinions	• Revisit classroom routines and expectations for maintaining a safe climate for all voices. • Encourage students to think about a classmate's perspective. (*The Reading Strategies Book*, 12.16 p.343)
• Are hesitant to share their thoughts or opinions	• Select a situation or shared experience to begin a whole-class conversation (e.g., cafeteria behavior, classroom clean up). • Consider the mentor texts that you use choose for focus lessons. Choose texts that contain topics to which students can relate. • Allow students to have opportunities to share their opinions in partners and/or small group settings. Giving students choice in their partnerships may help them feel safe in sharing their opinions. • Consider teaching students to take risks with gentler language. (*The Reading Strategies*, 12.12 p. 339)

Resources

The following resources are available for you to use in conjunction with the teaching points and lesson examples included above.

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Print Resources
Getting Beyond "I Like the Book:" Creating Space for Critical Literacy in K-6 Classrooms by Vivian Vasquez
The Reading Strategies Book by Jennifer Serravallo
Negotiating Critical Literacies with Young Children by Vivian Vasquez
"Addressing Silences: Creating Space for Conversations That Matter to Students" in *Innovative Voices in Education* by Sara Kugler.

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Overview

When you hear the words "Once upon a time," you may be transported to a faraway time or place. Maybe it's dueling a dragon, riding on a magic carpet, or banishing an evil queen. You probably have fond memories of enjoying these enchanting tales as a child. As students explore the various types of traditional tales, they go on journeys with the characters and learn lessons alongside them, but we must ask ourselves, "Whose lessons are they?" In *Getting Beyond "I Like the Book:" Creating Space for Critical Literacy in K-6 Classrooms*, Vivian Vasquez writes, "Texts are never neutral. All texts are created from a particular perspective with the intention of conveying particular messages" (2010, p.3). This unit goes beyond the magic and challenges readers to dig beneath the surface and ask questions without a known answer, like "Why does the princess always get saved by someone else?" or "Why did the biggest goat make the littlest goat cross the bridge first?" If not explicitly taught to read critically, students might be quick to accept the position of the author. This unit aids teachers to help students to develop a critical lens through which to read stories and the world.

Enduring Understandings and Essential Questions

Enduring Understandings	Essential Questions
• Understand that authors bring experiences, cultural influences, and ideas to their writing; no text is neutral. "Every text is just one set of perspectives on the world, a representation of it; language…works to construct reality" (Janks, 2005). • Understand that texts work to position their readers, and readers have a responsibility to interrogate the text. "The ideal reader, from the point of view of the writer, is the reader who buys into the text and its meanings" (Janks, 2005). • Understand that critical literacy is a way to read the world and develop agency. "Passive voice allows for deletion of the agent" (Janks, 2005).	• What power do you have as a reader?

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Unit Goals

- Readers analyze how elements of text are used to convey messages and beliefs.
- Readers critically analyze traditional and fractured tales to determine whose perspectives the author chooses to represent and whose perspectives are left out.
- Readers determine whether or not to accept how the text is positioning them.

2017 Standards

3.1 The student will use effective communication skills in a variety of settings.
a) Use active listening strategies including but not limited to making eye contact, facing the speaker, asking questions, and summarizing.
b) Present accurate directions to individuals and small groups.
c) Ask and respond to questions from teachers and other group members.
d) Orally summarize information expressing ideas clearly.
e) Use language appropriate for context and audience.
f) Increase listening and speaking vocabularies.
g) Participate in collaborative discussions.
h) Work respectfully with others in pairs, diverse groups, and whole class settings.

3.2 The student will give oral presentations.
a) Speak clearly using appropriate volume.
b) Speak at an understandable rate.
c) Make eye contact with the audience.
d) Organize ideas sequentially or around major points of information using appropriate facts and relevant details.
e) Use contextually appropriate language and specific vocabulary to communicate ideas.
f) Use multimodal tools to create presentations and enhance communication.

3.4 The student will expand vocabulary when reading.
c) Apply meaning clues, language structure, and phonetic strategies to determine the meaning of new words.
d) Use context to clarify meaning of unfamiliar words.
e) Discuss meanings of words and develop vocabulary by listening to and reading a variety of texts.

3.5The student will read and demonstrate comprehension of fictional texts, literary nonfiction, and poetry.
a) Set a purpose for reading.
b) Make connections between reading selections.
c) Make, confirm, and revise predictions.
d) Compare and contrast settings, characters, and plot events.
e) Summarize plot events.
f) Identify the narrator of a story.
g) Ask and answer questions about what is read.
h) Draw conclusions using the text for support.
i) Identify the conflict and resolution.
j) Identify the theme.
k) Use reading strategies to monitor comprehension throughout the reading process.
l) Differentiate between fiction and nonfiction.
m) Read with fluency, accuracy, and meaningful expression.

For more information about the Virginia Department of Education's standards please consult the 2017 Virginia Department of Education Curriculum Framework

Revisiting Throughout the Year

Remember to incorporate the ideas from the Throughout the Year unit into your instruction during this unit. The following ideas will help you to connect the Throughout the Year topics to this current unit of study.

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Interactive Read Aloud and Whole-class Conversations

Since the work of critical literacy may be new to your readers, an interactive read aloud provides a framework for getting started. The interactive read-aloud might include highly scaffolded think-alouds in which the teacher models how to critically approach text. During an interactive read aloud of *The Little Mermaid,* a teacher might pause after reading the part when Ariel decides to give up her voice to adventure on a quest to find love. The teacher may say to her students, "This is a big deal for Ariel to give up her voice, her gift, so that she can live on land, meet Prince Eric, and hopefully fall in love. I noticed that in many fairy tales, it is the girl who is giving something up or changing who she is to find love." This example shows how the teacher identified a bias presented by the author and questioned its impact on the reader. While this is a launching scaffold, it is important that the readers take on these thinking skills for themselves through a gradual release model.

Vocabulary Connection

Strong vocabularies enable students to more fully understand text and to express themselves clearly and precisely. During this and other units of study, you might have the opportunity for certain types of vocabulary explorations, which may include the following:

- **Introducing New Vocabulary**
- **Homophones**
- **Multiple-Meaning Words**

In this unit, whole class conversations are used as a method to help students think and talk critically about texts. During these conversations, it is important to rely on facilitation skills rather than modeling. Acting as a facilitator will include questioning that supports students' own ideas and opinions around a topic of interest rather than projecting your opinion. This practice may feel uncomfortable at first because you aren't leading the conversation in one particular direction, but when given the opportunity to explore topics on one's own, students will explore new perspectives or uncover perspectives they may not have known they previously had. The environment that you create should send the message to students that the classroom is a safe space where they can say things that may not be commonly held beliefs or things that are popular. As always with whole class conversations, the goal is not to reach consensus in the group but to garner a multitude of perspectives and ideas. Students are not deciding whether a book is "right" or "wrong. Instead, help students interrogate the texts from the stance that no text is neutral. Questions listed in Consideration 3 may help you facilitate these conversations.

Considerations for Teaching

The considerations listed below are ideas to keep in mind to develop student understanding of this unit's content. Planning with the Enduring Understandings and Essential Questions in mind will facilitate the forging of connections among important literacy ideas for you and your students.

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Consideration 1: What is Critical Literacy?

Critical readers understand that texts are not neutral. When engaging in a critical literacy framework, readers take an active role and do not accept messages at "face value." From this perspective, readers examine, analyze, and evaluate the underlying ideas in texts, asking questions such as "What's the author's perspective?" or "What do I believe about this?"

In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez says, "[T]here is no such thing as a critical literacy text" (2010, p. 2). Instead, critical literacy is a framework or mindset from which one can analyze *any* text. Critical literacy takes into account that "[A]ll texts are created from a particular perspective with the intention of conveying particular messages" (2010, p. 3). As a result, readers need to take a tentative, questioning stance when reading any text. Readers need to question and analyze not only the *author's* beliefs and assumptions that have (explicitly or implicitly) influenced the message of the text, but also their *own* beliefs and assumptions that influence their reading of the text. These beliefs and assumptions might be social, cultural, or political, and they might be overt or subtle. Once the reader has identified these beliefs and assumptions, their job is to deepen or revise their own thinking about the topic as they evaluate the author's thinking. Once readers learn to do this work in a text, they can learn to look critically at the world around them.

One example of students engaging in critical literacy separate from literature is from Vivian Vasquez' book, *Negotiating Critical Literacy*. In talking with a group of three to five-year-olds about a recent afterschool barbeque, one student noted that he didn't eat because they only served meat at the event. When questioned, the students learned that their classmate does not eat meat because he is a vegetarian. This ignited student-led inquiry on vegetarians which Vivian gladly indulged by gathering texts and resources for students to explore. Students then wrote a letter to the principal to share their new learning and requested a change to this unfair practice. In the end, vegetarian options were included in next year's barbeque as well as at other school events all because some three- to five-year-olds weren't willing to accept that some people's lifestyles were not represented at a school event.

In this situation, students felt comfortable asking questions and possessed the mindset that they did not need to accept an unfair situation. By dealing with a real world problem that was relevant to students' lives, this experience gave those students agency and encouraged them to continue to look at the world through a critical lens. This demonstrates that it is helpful to provide students with opportunities to explore and investigate topics and issues that matter to them. Vasquez states, "Students learn best when what they are learning has importance in their lives. Using the topics, issues, and questions that they raise should, therefore, be an important part of creating classroom curriculum" (2010, p. 2). You may want to explore a set of texts surrounding slavery or civil rights; however, students may be passionate about analyzing unfair comments shared at lunch or bullying that occurred on the playground. These real world situations are powerful places to begin work with critical literacy, teaching students to ask questions, analyze and reconstruct messages.

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While the situations explored may be different from class to class, this unit encourages all readers to begin to question the author's perspective, identify an alternate perspective, share personal views, and develop awareness that text is biased. We want our students to know that they don't have to accept the messages authors are presenting or biases present in the everyday world.

Consideration 2: Applying Critical Literacy in the Classroom

The work of critical literacy does not begin and end with books. Rather, critical literacy is a stance in which individuals approach the world. Situations often arise at school which enable students to engage critically. On the playground you may overhear, "You can't be a firefighter, you're a girl!" Or, "Only kids in Mrs. Jones' class can play this game." You may have heard these beliefs openly expressed by students. These are the moments in which critical literacy becomes a moral imperative. Students explore and question ideas of fairness and justice in their classrooms. As situations arise, a critical literacy framework is used in everyday life.

You might begin a critical exploration into power, perspective, and privilege by discussing a real word situation that is important to your students. Take note of the issues that students discuss that are of great importance to them. It may be desiring the newest sneakers or gadget or the social hierarchy within the classroom; use what speaks to your students. Using students' worlds as a jumping off point raises engagement and gives all students access to the conversation. As you transition this critical thinking into traditional and fractured literature, consider visiting familiar texts, such as *The Gingerbread Man* or *The Three Little Pigs*. By reading a familiar story to your class, students understand the plot and are ready to grapple with the critical issues that arise.

Examining text through a critical lens requires that students think *about the text*, as an entity unto its own. It requires taking students' comprehension of the plot further. Help students to consider the author's message and question the author's or the illustrator's stance and biases. This examination also prompts us to consider how we are being positioned as readers of the text.

Consideration 3: Instruction Through Inquiry

In previous units, the teaching points are written as descriptions of behaviors readers exhibit (i.e. Readers determine the main ideas of the text.). This unit shifts to an inquiry model in which you mainly pose questions that elicit a critical reading of texts. Rather than relying on demonstration focus lessons as the main teaching tool, interactive read aloud serves as the main method of instruction. While you may need to occasionally model the kinds of thinking it takes to answer critical literacy questions, your focus is on facilitating student thinking and conversation (with a partner or the whole group) by posing questions.

The table below provides some examples of facilitation moves to use during conversations.

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Facilitation Move	Example/Sentence Starter
Posing a question	• "I am wondering what the author wants me to believe or do."
Listening for and Re-voicing Ideas	• "I heard you say _____, can we talk more about that?" • "Let's look closely at this part in the book and talk about what we are thinking/notice."
Synthesizing	• "After listening to all of your ideas, I heard _____."
Pausing/Think time	• "I head you say _____, let's stop and think about that for a minute." • Allow silence and wait time

If you find that students need more explicit demonstration of this kind of thinking, model responses that are tentative. You might pose the question, "What is Robert Munsch trying to say about princess in *The Paper Bag Princess*?" If students have difficulty attempting to answer that, you might say, "Maybe the author is trying to say that princesses don't have to dress in fancy clothes or worry about their looks all the time. Or maybe he's saying that they can be happy without a prince." Using phrases like, "Maybe…or maybe…" demonstrate thinking that is uncertain and leaves room for student interpretations.

Consideration 4: Critical Literacy in Traditional and Fractured Tales

The genre of traditional literature consists of stories that were created long ago and are part of a group's oral tradition. There are many types of stories that fall under the traditional literature umbrella. Some stories that third graders explore include folktales, legends, fables, fairy tales, and myths. These stories were originally told rather than written and passed down from one generation to another. Traditional tales most often entertain while teaching a lesson or moral that is reflective of a particular culture or time period. Over time, many authors have reimagined these traditional tales to include different settings, character roles, perspectives, and themes in fractured versions of the originals, but each version represents the author's point of view. In this unit, students use a critical literacy lens to question the author's perspective, recognize the personal biases they have, as well as determine whether or not to accept how the text is positioning them.

In previous grades and units of study, students have been taught how to determine the author's message. For example, students can easily tell that if you are kind, good things will happen to you or "slow and steady wins the race." Through critical literacy, readers question the messages presented by analyzing the perspectives that are present and missing from the text. For example, in *Cinderella*, students learn that if you follow all the rules and are humble like Cinderella, good things will happen to you. But when you look a little closer, you also see an underlying message that true happiness means wearing fancy clothes and marrying a prince. This is a bias about gender roles. Teach readers that text is never neutral and that there are many hidden messages within the words and pictures. It is the responsibility of the reader analyze those messages with a critical lens, determining whose perspective is being highlighted and whose is missing. One way to do this is by exploring students' beliefs on a particular issue. In the case of *Cinderella*, you may lead a class conversation on roles of men and

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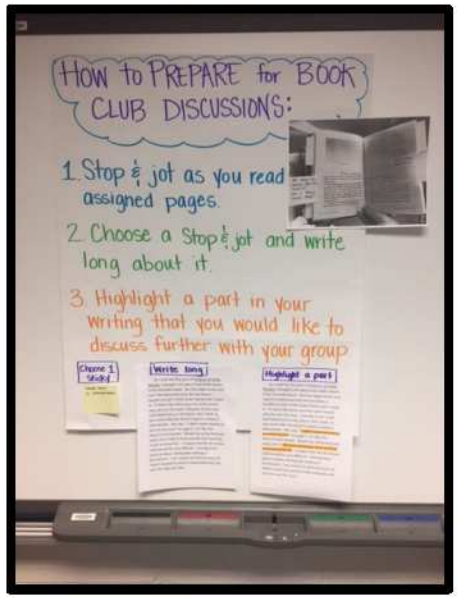
women in society, eliciting the beliefs of the students in the class. You may also choose to look at the story through a different character's point of view. This can be done by speculating about the original tale or reading a fractured version such as *Seriously, Cinderella is Really Annoying* by Trisha Speed Shaskan.

It may be challenging for your students to notice bias that is woven into a text. While our goal is for students to confront and question the bias found in books, you may need to model how to think about identifying bias, such as the roles of women. The hope is that with introducing this new lens of reading, students will begin to recognize bias on their own. Consider the difference between how women are portrayed in *Sleeping Beauty*. Aurora, a beautiful princess, with long blonde hair, sparkling blue eyes, and soft, fair skin represents all that is good in the story. On the contrary, Maleficent wears a black cloak, her facial features are sharp, and she has animalistic horns on the top of her head. This drastic difference of appearance leads readers to the conclusion that beauty is associated with goodness, while unattractive features are associated with evil. When we look more closely at the setting (Aurora's cozy, bright cottage versus Maleficent's dark, creepy castle) we see how the author and illustrator further perpetuates the stereotypes of good versus evil. Within the last two decades, authors have begun to create fractured literature to depict the evolution of traditional tales and debunk some commonly held stereotypes. Modern fairy tales such *Brave* and *Frozen* offer a new perspective that is reflective of how society has changed.

In order to explicitly teach that there are different perspectives, read multiple versions of a story. Readers can begin to identify whose perspective is presented and whose is missing in a story. They also explore and discuss their own perspective and compare it to those presented in the text. Encourage students to ask, "What ideas are represented in the text? *Whose* ideas are represented here? What do I think or believe about these ideas?" These questions allow students to analyze what the author wants them to believe and how the author crafted the story to lead them to certain conclusions. Readers think about how the text has influenced them and if it has changed their thinking.



Remember that critical literacy is not a skill that is taught and practiced in isolation solely during this unit. By immersing students in this framework, you offer them the opportunity to practice the skill so they can transfer their critical lens to all texts and situations.

Consideration 5: Launching Book Clubs

Just as many adults join books clubs, choose a novel, read it over a period of time, and meet together to discuss their ideas, you can create a similar structure for the students in your classroom. Without the support of other students and structured time for discussion, students may miss many opportunities for deeper comprehension.

While there are many similarities between book clubs and literature circles, there are also some distinct differences. The purpose of both is the same, to help students discuss texts with their peers in order to support and deepen comprehension. However, in literature circles, students are traditionally assigned roles (e.g. the questioner, the note-

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taker, etc.). Book clubs are modeled after the authentic structures that exist in the adult world, and members do not typically have assigned roles. Book club members speak to each other, sometimes asking questions, sometimes paraphrasing someone else's point, and sometimes building on or challenging a previous idea. They use the social norms of participating in a conversation. In book clubs, teach students the social norms of participating, taking turns, and listening during an authentic conversation.

Although students are capable of participating in academic conversations about texts, it is likely they will need explicit instruction across the year, so this becomes an independent practice. There are several ways to support students and then gradually release the responsibility to them. The table below provides a few options.

Gradual Release Model for Book Clubs

Heaviest Scaffold ←			→ Lightest Scaffold
Interactive Read Aloud and Whole-class Conversation	**Guided Reading Discussion**	**Interactive Read Aloud and Small Group Book Clubs**	**Independent Reading and Student Led Book Clubs**
• Teacher leads an interactive read aloud and uses think alouds and turn and talk prompts. • Teacher facilitates a whole-class conversation about the book. Watch a video of an interactive read aloud: 	• Teacher conducts a guided reading group by introducing the text, setting a purpose for reading, and supporting the students as they read independently. At the end of reading, teacher facilitates a discussion about the book. (*Guided Reading* 2nd Ed., Fountas and Pinnell, p. 144-145) • Teacher facilitates a discussion about the text read that day or the next day.	• Teacher leads an interactive read aloud and uses think alouds and turn and talk prompts. • Students meet in small groups to discuss the book. Teacher moves in between groups to support conversations.	• Students read the same text independently. • Students meet two to three times a week to discuss their book. • Teacher might teach, prompt, or reinforce the students as they discuss the book. Watch a video of an independent book club:

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Watch a video of a whole-class conversation:			

In the beginning of book clubs, teach the students how to establish norms and structures.

- Choose a club name
- Choose a spot in the room to meet (the same spot each time the group meets to streamline transitions)
- Choose or design a way to organize materials such as post-its, talking tools, small anchor charts
- Plan for how much needs to be read before the club meets again
- Prepare for the conversation before meeting time (See chart)

A book club created a coat of arms with group norms and an agenda.

You might wonder what happens when the club makes a plan to read a certain amount and a member or does not follow through on this commitment. A natural consequence might be that the club member cannot participate that day, and instead spends time reading and "catching up" to the other club members. On the other hand, some book clubs might decide that this isn't necessary and that the member can join in to listen and participate in any way he or she can.

Inevitably, introducing book clubs will raise new management challenges. Perhaps use five to ten minutes at a CLT meeting to talk about a particular challenge with the management of book clubs so that the team can brainstorm possible solutions.

During classroom discussions about texts, various issues will emerge authentically when you listen carefully to students. Keep in mind that texts explored during this critical literacy unit can come from student interest or from topics that need to be addressed in your classroom community. This list is not prescriptive, and each issue does not need to be explicitly explored. You might choose to examine a text set in which none of the

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characters mirror the students in your classroom. Students may discover that their perspective is missing from the text. They may notice that their families, their race, their religion, and their lives are not shown in these books.

The following are social issues that may arise through either classroom or book club conversations:

- Relationships
- Good vs. Evil
- Class
- Fairness
- Gender
- Greed

Consideration 6: Possible Ways to Organize Book Clubs

In this unit students learn to read with a critical lens by identifying and challenging the author's perspective. They also explore social issues such as relationships, good vs. evil, class, fairness, gender roles, and greed.

Once book club structures and routines are set, you may choose to plan for your traditional and fractured tale book clubs in one of the following ways.

Structures	Book Club Work
Different versions of the same story that offer different characters' perspectives	• Students study the choices each author makes and consider the differences in perspectives based on the characters' experiences
Books with social issues	• Students read a variety of books that explore social issues and interpret the authors' messages • Students discuss how the messages apply to their lives and the world around them
Different versions of the same story that offer different cultural perspectives	• Students study various cultures and time periods by analyzing the details the author included in the text (setting, clothing, food, dialogue, customs, etc.) • Students analyze values of a particular culture

Consideration 7: Teachers as Readers

Before this unit begins, unpack the unit by reading with a critical literacy lens in a CLT. Regardless of your background and understanding of critical literacy, begin by choosing a text to read together. You could use a mentor text from this unit or choose a different text that meets your team's needs and interests. As you

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read the text, read with a critical lens, thinking *about* the text and examining the questions and thoughts that arise as you read. Try to be keenly aware of how the reading makes you feel, what thoughts and questions pop up in your mind, and what personal biases you may need to think through.

After reading the text, have a discussion with your team about what you noticed and thought about as your read with a critical lens. As adult proficient readers, your discussion may start right away without any guiding questions, or you may want to use some of the questions listed in Consideration 3. Rather than asking question after question, dig a little deeper on one or two topics. Keep in mind that consensus is not the goal. Instead, unpack differing opinions and what may have led to those differences.

After some time, pause the discussion and reflect on the process, both as participants and as teachers. Take time to think through which parts were challenging and which felt successful. Then, consider your students and think about what supports you might need to have in place and possible ways to respond to challenges.

As this unit unfolds, your team might want to revisit this process again. You may want to reread the same text (as often happens with critical literacy) or read a new text and examine different questions and themes. Bear in mind that the heart of the unit is on interrogating and responding to text and there is no right or wrong path to take in experiencing this as a CLT. What is most important is being aware of and attuned to your critical thoughts as a reader, just as you want your students to do.

These questions might frame your thinking as a critical reader of any text or genre:

- Whose experiences and what kinds of experiences are given privileged voice in the text?
- What cultural and ideological assumptions (discourses) support the text? What assumptions about gender roles or relationships, social class, age, social customs, or cultural identities are implicit in the text?
- Are the cultural and ideological assumptions on which the text is based consist or are there traces of conflicting discourses?
- How are the cultural and ideological assumptions constructed through the text's use of language, literary devices, and writing strategies?
- What alternative cultural and ideological assumptions have been left out or silenced in the text?
- How has the text been shaped by the cultural context in which it was produced?
- How does the text position the reader to accept its cultural and ideological assumptions?
- How do readers produce multiple readings of texts? Why is my reading different from someone else's reading?
- What is a resistant or oppositional reading and what purpose does it serve?

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Ongoing Assessment

Throughout this unit, readers explore many types of traditional literature, giving you an opportunity to collect assessment information in a variety of ways. You can check for understanding during conferences, exit tickets, reading journal entries, small groups, or listen in on partner talks and collect anecdotal notes. As you are listening and observing students at work, focus on their understanding of the story elements, including characters, how they act, and what they learn in the story. Subsequently, this information is analyzed and used to inform your small group and one-on-one instruction. The resources below are tools you could use.

Conferring Questions:

- Why do you think the author wrote this story?
- What does the author think or believe?
- What does the author want you to believe?
- Will you think or act differently after reading this text?
- Whose story is being told? Whose story is missing from this piece?

Pre-assess	Teach	Check for Understanding	Reteach and Enrich
Pre-assess the unit goal(s) and gather any other available data.	*Select teaching points and instructional delivery models based on the data.*	*Look for evidence of student understanding through ongoing assessments.*	*Differentiate instruction for the learners in your classroom. Information gleaned from this unit can be used to inform the next unit.*
• Pre-assessment	• Teaching points • Interactive read aloud • Shared reading • Small group work • Reading conferences	• Reading conferences • Anecdotal notes • Running records • Talk • Jots • Post assessment	• Focus lesson • Interactive read aloud • Shared Reading • Small group work • Reading conferences

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Testing Connections

The question stems below are similar to those found on the VDOE SOL practice items and released tests. Consider using the test-question stems during read alouds, shared reading, and small group instruction to help students make connections between what they have learned in this unit and the way test questions may be asked. For more information, see the Testing as a Genre unit, which explains specific test-taking strategies and the Throughout the Year reading unit, which contains more information on the best way to incorporate testing language and practice into a unit of study.

Related Test Question Stems
• Paragraph _____ is important to the text because it _____.
• After the character _____, he or she feels _____.
• Where does this text (begin, end, or begin and end)?
• Which question is answered at the (beginning, end) of the text?
• Paragraph _____ is important to the text because it _____.
• What is the author's purpose for writing the text?
• What is the main idea of the text?

Instructional Delivery Models

Teaching Points

Following are possible teaching points to consider when planning this unit of study. The teaching points are grouped by unit goal, but the sequence for teaching those lessons depends upon the current needs and experiences of your group. Some of the lessons may stretch over more than one day. You may teach more than one way to do something or provide further direction on how to do it. Keep in mind that knowing your students and their needs will guide you in deciding what to teach and how to best teach it. Remember, the teaching points below could be used to guide teaching for small groups and one-on-one conferences in addition to whole group lessons.

Readers analyze how elements of text are used to convey messages and beliefs.	• Readers understand that the story they are reading connects to issues in the real world (*The Reading Strategies Book 7.15, p. 208; 7.16, p. 209*). • Readers determine the lessons the characters in the story learn. • Which (types of) characters are considered "good"? Which (types of) characters are considered "evil"? • Do the characters act in predictable ways? Did the author write in such a way that we are surprised by the characters?

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	• How does the setting impact what I believe about the characters?
Readers critically analyze traditional and fractured tales to determine whose perspectives the author chooses to represent and whose perspectives are left out.	• Whose perspective is told? Whose voice is heard? Whose voice is *not* heard? Whose perspective is missing? • Readers can imagine the perspectives and voices that are not heard. They think, "What might those characters be thinking, feeling, and saying?" • Who does the *author* believe is the hero? Who does the *author* believe is the villain? What makes them heroes and villains? • Who has power in the story? What kinds of power do the characters have? What kinds of power does the author think are important? (i.e. physical, financial, intellectual, etc.)
Readers determine whether or not to accept how the text is positioning them.	• Who is the "us" in this story? Who is the "them" in this story? Who does the author want you to be supporting? Who does the author want you to be against? • Readers imagine other ways the story could progress and imagine alternative choices the author could have made. • What is the lesson the characters learn? Do I accept or agree with these messages? • Who does the author expect me to like the most? How do they try to do this? Do I accept or agree with this?

Book Club Teaching Points to Weave Throughout This Unit

Procedures and Routines	• Club members establish norms and expectations. (You may want to have a whole-class discussion about the types of norms that they need to establish in book clubs. Clubs can choose a club name, a club house (or spot around the room), and a way to organize their materials.) • Club members work together like a team and reflect on their teamwork (*The Reading Strategies Book* 12.14, p. 341). • Club members are organized and come prepared. (This might mean forming a circle, taking out the book and a reader's notebook and flipping through the book and their writing to get ready to talk to the group.) • Club members make decisions together. (Decisions could include what to do when the norms aren't being followed, how much to read before the next meeting, and how to respond when a club member comes unprepared.)

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Academic Conversations

- Club members say something relevant and meaningful to contribute to the conversation (*The Reading Strategies Book* 12.14, p. 342).
- Club members get a conversation going by:
  - Retelling the major events that have been read. (This ensures all members have a similar understanding and remember the important parts of the story. One way to do this is to summarize the chapter(s) read.)
  - Choosing a sticky note or a jot from a student's reader's notebook. (Put it in the middle and ask the group to talk about it for a while).
  - Using sentence frames to support discussion.

Elaborating and Clarifying	I think _____ because _____. I believe that _____ because _____. I think this means _____ because _____.
Supporting Ideas	For example, _____. In the text it said _____
Build On and/or Challenge an Idea	I would add that _____. To follow up on your idea _____. On the other hand, _____. I wonder if it might also be _____.
Paraphrase	So, you're saying _____. Your main point seems to be _____. In other words, _____.

- Club members support their theories and ideas with evidence from the text.

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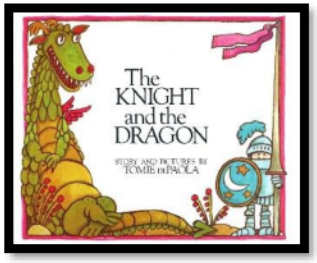
Interactive Read Aloud

When planning interactive read alouds for this unit, choose a variety of traditional and fractured literature to expose students to as much of the genre as possible. Keep in mind that while some students may have heard one version of the story, other students may not know the story at all. You may want to address this with your class, noting that you are exploring some new and some familiar texts. Consider texts that represent a variety of cultures, personalities, ethnicities, and genders. Some suggested mentor texts are listed below. More information on planning an interactive read aloud and a planning template are available through these links.

Interactive Read Aloud Example

The Knight and the Dragon by Tomie DePaola



Suggested Mentor Texts

Print Resources	TumbleBooks	myON®
Prince Cinders by Babette Cole	*Bully Goat Grim* by Willy Claflin	*Learning about Folktales, Fables, and Fairy Tales* by Martha E.H. Rustad
The Boy Who Cried Wolf by B. G. Hennessy	Fairy Tales Playlist...Retold by Various Authors	Writing Stories: Fairy Tales
The Lion and the Mouse by Jerry Pinkney	*Bad, Good, and Everything* in Between by Rena Zevy	*A Retelling of Aesop's Fables* Series
Pandora's Box: A Greek Myth about the Constellations by Jean Marzollo	*Burro's Tortillas* by Terri Fields	*A Retelling of Grimm's Fairy Tales* Series
Paper Bag Princess by Robert Munsch	*Chicken Big* by Keith Graves	*American Folk Legends* Series
	Clever Beatrice by Margaret Willey	*Cinderella Stories Around the World* by Cari Meister
	Lobo and the Rabbit Stew by Marcia Schwartz	*Cinderella* by Barrie Wade
	The Paper Bag Princess by Robert Munsch	

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The True Story of the Three Little Pigs by Jon Scieszka *The Three Little Wolves and the Big Bad Pig* by Eugene Trivizas *Big Bad Wolf is Good* by Simon Puttock *Lon Po Po* by Ed Young *Mufaro's Beautiful Daughters by John Steptoe* *The Three Little Pigs by James Marshall* *Tortoise and the Hare by Janet Stevens* *The Ant and the Grasshopper by Amy Lowry Poole* *Little Red Riding Hood by James Marshall* *The Boy Who Cried Wolf by Miles Kelly* *The Gingerbread Man by Jim Aylesworth* *Cinderella by James Marshall*	*The Three Silly Billies* by Margie Palatini *Rapunzel and the Seven Dwarfs* by Willy Claflin *The Uglified Duckling* by Willy Claflin *When Turtle Grew Feathers* by Tim Tingle	*The Little Red Hen* by Christianne C. Jones The Other Side of the Story Series on myON® (Fractured Versions of Traditional Tales)

Suggested Questions to Deepen Understanding		
Higher-Level Questions	Prompts	Connecting to Student lives
• Why do you think the author wrote this story? • What do you notice about ____? • Who has the power? Who is being left out? • What character do you think the author likes best? • What is the author's perspective? • What does the author want you to believe or do? • What other perspectives exist? • What do you believe about this topic?	• How do you think ___ became this way? • Did someone else think of it differently? • You said ____, say more about that. • Why is it like this? • After reading this part, I'm wondering____. • Could it be different? • Did anyone's thinking change?	• Does this remind you of what is happening at recess? • Did you ever feel this way? • What will you do with this new thinking? • Will you think or act differently? • How can you share your new thinking? • Does this match your experience?

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• How does this text position you? • Who decided that this is true? • What are the rules that the sources created? • What privileges do you have that might be impacting your perspective on this issue?		

Tier 1 Access to Rigor

- Tier 1 Access to Rigor-Q2
- ***Reading Above (SEM-R)* Bookmarks.**

Questions for students to consider from the Reading Above Bookmarks:

- Identify a powerful character in the book. Is the character powerful because of his or her position or something about personality?
- How do characters in the book show their power?
- Why do they try to show other people how powerful they are?
- Can you identify a character in the book who is completely powerless? What message is the author sending by including this character?
- Describe a character whose power increases in the book. How does this happen? What are the consequences?
- What different perspectives were presented on an issue in this book? How balanced were the viewpoints?
- ***Please note: There are additional questions teachers can utilize from the Reading Above bookmarks focused on power, as well as other higher-level questions.*** Reading Above resources are available on eCART ***Reading Above Bookmarks in English (PDF)*** and **Reading Above Bookmarks (Google Slide Deck)** .

Considerations for English Learners

In this unit, students are asked to use language to **inquire** and **analyze**.

- To inquire, students will use language to acquire and clarify information. Example from unit 4: "Why do you think the biggest goat made the littlest goat cross the bridge first?"

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- To analyze, students will use language to separate concepts and ideas into parts, identify relationships and patterns, and find evidence to support generalizations. Example from unit 4: "After reading three versions of *Cinderella*, I can see that they are related because Cinderella is always kind and there are step-sisters that are jealous of Cinderella."

Tier 1 Scaffolds and Supports

This section contains scaffolds and supports for all students, including English learners and students with disabilities. These challenges can be addressed within whole group, small group, or in a one-on-one conference. Tier 1 Supports and Scaffolds for all learners provides general differentiation ideas that can be used when planning instruction.

If students...	Then...
• Have difficulty communicating their ideas	• Provide sentence frames that match the think-aloud modeling language you have been using with your students. • Create and refer to a chart with modeling language. (This could be a whole class anchor or personal anchor chart.) • Consider partnering a beginning English learner with two other students to make a reading trio (instead of a partnership).
• Find it difficult to build on to other student's ideas	• Reteach active listening skills. • Provide scaffolded support during partner talk or small groups, modeling asking a question to clarify understanding. • Use the reflection/share time at the end of the workshop to fishbowl a book clubs and ask other students to observe their conversation.
• Are consistently coming to book club unprepared	• Partner student with a reliable reading buddy to help support accountability.

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Resources

The following resources are available for you to use in conjunction with the teaching points and lesson examples included above.

Electronic Resources	
Common Sense Media: Digital Citizenship Pledge	eCART resource # R0166D3
Common Sense Media: Whose Is It, Anyway?	eCART resource # R0169D3
Word Study: Phonics, Spelling, and Vocabulary Progression Chart	

Print Resources
Getting Beyond "I Like the Book:" Creating Space for Critical Literacy in K-6 Classrooms by Vivian Vasquez
The Reading Strategies Book by Jennifer Serravallo
Negotiating Critical Literacies with Young Children by Vivian Vasquez
"Addressing Silences: Creating Space for Conversations That Matter to Students" in *Innovative Voices in Education* by Sara Kugler.

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Overview

Identities are shaped by everything, including what is read. Adults learn not to take everything at face value. When an ad in a magazine promises happiness and confidence by just wearing something, they know not to believe it. Students are constantly bombarded with text, literature, and media that encourages them to think or feel a certain way, and they may not be as savvy as adults. In this unit, students learn that readers *and* authors bring their own beliefs and assumptions into the texts they read and write. These beliefs and assumptions, whether explicit or implicit, can be controlling and can influence beliefs and attitudes. In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez writes, "Texts work to position us in particular ways; therefore, we need to interrogate the perspective(s) of others" (2010, p. 3). Readers *interrogate* texts by questioning, critiquing, analyzing, and agreeing or disagreeing as they seek to build understanding.

Critical literacy is about reading and analyzing *all* text thoughtfully, taking position, power, bias, and assumptions into consideration as readers work to deepen and/or revise their own beliefs and understandings. Vasquez also mentions that critical analysis of text moves the reader to action. "[…] it is the action piece, doing something with what we discover through critical analysis of text, that helps us to participate differently in the world" (p. 17). As students develop this critical eye, encourage them to not only examine media and persuasion in this way, but to value looking at *all* text through this lens and use this skill as a lifelong reader.

Enduring Understandings and Essential Questions

Enduring Understandings	Essential Questions
• Understand that authors bring experiences, cultural influences, and ideas to their writing; no text is neutral. "Every text is just one set of perspectives on the world, a representation of it; language…works to construct reality" (Janks, 2005). • Understand that texts work to position their readers and readers have a responsibility to interrogate the text. "The ideal reader, from the point	• What power do you have as a reader?

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of view of the writer, is the reader who buys into the text and its meanings" (Janks, 2005). • Understand that critical literacy is a way to read the world and develop agency. "Passive voice allows for deletion of the agent" (Janks, 2005).	

Unit Goals

- Readers understand that media messages (advertisements, radio ads, blogs, and nonfiction articles) are not neutral and represent beliefs held by the author and groups in society.
- Readers analyze the choices the author makes (structure, language, format) to construct power, position, and perspectives.
- Readers determine whether or not to accept how the text is positioning them.

2017 Standards

4.1 The student will use effective oral communication skills in a variety of settings.
a) Listen actively and speak using appropriate discussion rules.
b) Contribute to group discussions across content areas.
c) Orally summarize information expressing ideas clearly.
d) Ask specific questions to gather ideas and opinions from others.
e) Use evidence to support opinions and conclusions.
f) Connect comments to the remarks of others.
g) Use specific vocabulary to communicate ideas.
h) Demonstrate the ability to collaborate with diverse teams, while sharing responsibility for the work.
i) Work respectfully with others, and show value for individual contributions.

4.2 The student will create and deliver multimodal, interactive presentations.
a) Locate, organize, and analyze information from a variety of multimodal texts.
b) Speak audibly with appropriate pacing.
c) Use language and style appropriate to the audience, topic, and purpose.
d) Make eye contact with the audience.
e) Ask and answer questions to gather or clarify information presented orally.

4.3 The student will learn how media messages are constructed and for what purposes.
a) Differentiate between auditory, visual, and written media messages and their purposes.
b) Compare and contrast how ideas and topics are depicted in a variety of media and formats.

4.4 The student will expand vocabulary when reading.
a) Use context to clarify meanings of unfamiliar words.
b) Use knowledge of roots, affixes, synonyms, antonyms, and homophones to determine the meaning of new words.
c) Use word-reference materials.
d) Use vocabulary from other content areas.
e) Develop and use general and specialized vocabulary through speaking, listening, reading, and writing.

4.6 The student will read and demonstrate comprehension of nonfiction texts.
b) Explain the author's purpose.
c) Identify the main idea.
d) Summarize supporting details.
e) Draw conclusions and make inferences using textual information as support.
f) Distinguish between cause and effect.
g) Distinguish between fact and opinion.
h) Use reading strategies throughout the reading process to monitor comprehension.
i) Read with fluency, accuracy, and meaningful expression.

For more information about the Virginia Department of Education's standards please consult the 2017 Virginia Department of Education Curriculum Framework

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Revisiting Throughout the Year

Remember to incorporate Throughout the Year unit into your instruction during this unit. The following ideas will help you connect the Throughout the Year topics to this current unit of study.

Independent Reading

In this unit, students consider how *all* texts can be viewed with a critical eye. As a result, students need a wide variety of texts available for independent reading. This provides opportunities to think about bias, beliefs, and power across genres and how those components influence the author's intended message.

Vocabulary Connection

An important part of critically evaluating media messages is recognizing the role vocabulary plays in crafting them and creating certain responses in readers. Authors deliberately choose words in ways to help their audience understand and sympathize with their logic and affect them emotionally. By using Linear Arrays, students become aware of the subtle distinctions among closely related words, think about author's choice of language, and build their vocabularies in the process.

Reading Partnerships and Talk

During this unit, students have opportunities to process their thinking about the texts they read, the author's implicit and explicit assumptions and biases, and their own beliefs. An essential component is discussions with peers in partnerships and in small groups. In order for student conversations to productively support them as they develop a critical eye when reading, consider revisiting ground rules of conversation in your classroom. Some important tenets to revisit with students include the importance of respecting differing opinions, listening to others, and encouraging reluctant speakers to contribute to the conversation. Teaching students how to paraphrase what they heard before responding is an effective way to help students navigate conversations so that all voices are heard and respected. Review talk moves for questioning and disagreeing respectfully with peers during conversations. The intent of partnerships and talk throughout this unit is not for students to debate ideas or beliefs, but rather for students to consider multiple perspectives as they analyze texts and advertisements and consider how those messages impact readers.

Considerations for Teaching

The considerations listed below are ideas to keep in mind to develop student understanding of this unit's content. Planning with the Enduring Understandings and Essential Questions in mind will facilitate the forging of connections among important literacy ideas for you and your students.

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Consideration 1: What is Critical Literacy?

In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez writes, "[T]here is no such thing as a critical literacy text" (2010, p. 2). Instead, critical literacy is a framework or mindset with which one can analyze *any* text. Critical literacy takes into account that "[A]ll texts are created from a particular perspective with the intention of conveying particular messages" (2010, p.3). As a result, readers need to take a tentative, questioning stance when reading any text. Readers need to question and analyze not only the *author's* beliefs and assumptions that have (explicitly or implicitly) influenced the message of the text, but also their *own* beliefs and assumptions that influence their reading of the text. These beliefs and assumptions might be social, cultural, or political, and they might be overt or subtle. Once readers identify these beliefs and assumptions, their job is to deepen or revise their own thinking about the topic as they evaluate their thinking against the author's thinking.

Critical readers understand that texts are not neutral. Readers take an active role and do not accept messages at "face value." From this perspective, readers examine, analyze, and evaluate the underlying ideas in texts, asking questions such as:

- What is the author's perspective?
- What does the author want me to believe or do?
- What information did the author include to influence me?
- What evidence is included?

As readers consider these questions, they develop their own thinking and opinions.

Consideration 2: Texts to Use

Readers apply a critical lens to a wide range of messages, including unconventional texts such as T-shirts, graffiti, and even cereal boxes (McDaniel, 2004). Beginning with familiar texts, such as nonfiction expository texts is one way to scaffold. For example, you might use nonfiction texts written from different perspectives around the same topic. This can include newspaper and magazine articles from sources such as *Time for Kids* paired with editorials and/or blogs in which authors express diverse viewpoints on the issues.

Additionally, you might use an array of narrative nonfiction texts that explore social issues (e.g., *Cheyenne Again* by Eve Bunting, *The Sweet Smell of Roses* by Angela Johnson, *Faithful Elephants* by Yukio Tsuchiya). Readers can use these texts to develop their own thinking about various social issues. In addition, these texts might provide a springboard from which to build the rest of the unit. For example, after examining issues of racial equality across a range of narrative nonfiction texts, students might explore representations of racial equality in print and television advertisements.

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In this unit, help students understand the real-life functions of text. Consider using media messages, such as print and television advertisements. When using these media messages, teach students to analyze them for the underlying ideas and assumptions. This requires readers to be sophisticated in their analysis of author's purpose and message. Readers go beyond identifying whether the author intends to persuade, inform and/or entertain the audience. Readers analyze advertisements for assumptions and biases about gender roles, age, and social customs, etc. For example, a magazine advertisement for Legos from the 1970s depicts a young boy proudly showing off his Lego tower. Readers can read this visual and ask, "What assumptions about gender, age, and cultural identity is this ad showing?" Interestingly, a current-day Lego ad shows a young girl playing with Legos. Readers might ask the same question of this visual. Ask students to compare these images and consider what they reveal about the evolution of gender roles across the decades.

Consideration 3: Readers (and Writers) Are Not Neutral

Since readers and writers are members of diverse cultures, they hold assumptions and beliefs about the world, their cultures, and about other groups. Assumptions and beliefs are complex and develop throughout a person's life; they are the lens through which people understand the world and their place in it. Authors write from their own assumptions and beliefs. Likewise, readers read from their own assumptions and beliefs (also known as opinions); these influence how readers interpret text.

Demonstrate how to use these questions when critically evaluating texts.

Questions to Consider Perspective
What do advertisers believe about this group of people?
What does the author want me to believe about this group of people? (e.g., boys play with Legos)
What do I think about what the author is trying to convince me to think, do, or buy?
What assumptions do I have about this topic?
Why do I feel that way about that topic? (e.g., I don't agree because my sister loves playing with Legos)

Consideration 4: Power, Position, Perspective, and Privilege

Critical literacy invites readers to think about the social, cultural, and political structures in which they live. This means that readers consider the ways in which power, position, perspective, and privilege are both allocated and represented within and across texts. Throughout this unit, students carefully consider the

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ideas of power, position, perspective, and privilege as they analyze texts. They also consider how their own position, perspective, and privilege influences their beliefs about a topic or issue.

Term	Definition	Explicit Examples
Privilege	An opportunity or benefit given to some and not to others.	*Fly Away Home* by Eve Bunting *Smokey Night* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh
Position	One's place in society (in relation to others) due to being part of a social, cultural and/or political group.	*One Green Apple* by Eve Bunting *The Other Side* by Jacqueline Woodson *Encounter* by Jane Yolen *The Lunch Thief* by Anne C. Bromley *The Wall* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh *The Bully* by Patricia Polacco *Amazing Grace* by Mary Hoffman
Perspective	How one views a situation, based on his or her experiences or position in society.	*The Other Side* by Jacqueline Woodson *Encounter* by Jane Yolen *The Lunch Thief* by Anne C. Bromley *The Wall* by Eve Bunting *Amazing Grace* by Mary Hoffman *Thank you, Mr. Falker* by Patricia Polacco *The Junkyard Wonders* by Patricia Polacco *Erika's Story* by Ruth Vander Zee
Power	An opportunity or benefit given to some and not to others.	*Smokey Night* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh

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		The Bully by Patricia Polacco

Recognize that in classrooms, students hold varying levels of power and privilege and have multiple positions and perspectives. Ensure that your classroom community is an emotionally safe space for students, so they feel comfortable expressing their ideas and beliefs. When choosing texts for this unit, consider the students in your classroom and be mindful of how to engage them in exploration of potentially sensitive topics. In addition, consider ways to expose students to engaging texts that represent multiple perspectives, diverse experiences, and differing opinions and views.

Consideration 5: Types of Media (Formats and Organizational Patterns)

This unit is different from many of the other units this year because the focus is on a stance readers develop, rather than on a genre. Students take a critical stance when they read *any* genre; however, a critical literacy stance is particularly useful when evaluating media. Therefore, many teaching points in this unit address media.

There are several types of media you might explore with students, and they are listed below. Although texts labeled "functional texts" (flyers, recipes, directions, etc.) can sometimes fit under the "media" label as well, those texts will be addressed later in the Functional Texts unit.

- Print Advertisements
- Radio Advertisements
- TV Advertisements
- Essays
- Blog posts
- Nonfiction articles

Consideration 6: Social Action and Change

The aim of critical literacy is social change and transformation. Explore social issues such as race, class, and/or gender. Students' experiences with text enable them to explore these issues and consider the ways in which language shapes how diverse groups, ideas, and cultures are represented and understood within broader contexts. In the course of this work, readers develop their own stances on social issues that matter to them. They understand that they have the choice to act on this understanding, advocating for issues that matter to them. This might involve taking advocacy actions (e.g., writing Letters to the Editor, working to change school policies, etc.). Action might also be the development of a deeper understanding and/or fostering of empathy for people. Students understand

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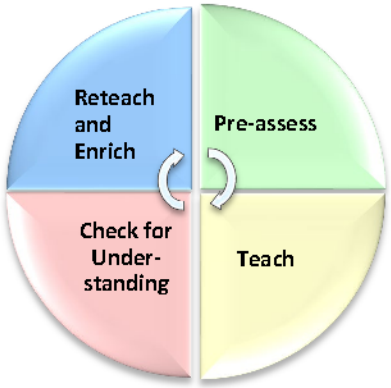
that the *action* created from critical analysis of text can be internal and/or external and that people are changed in some way by the texts they read. This is what moves students beyond being passive consumers of information to being critical readers.

Ongoing Assessment

Throughout this unit, your assessment will focus on students' ability to analyze text with a critical eye. In your interactions with students, pay attention to how students identify the authors' beliefs and assumptions, as well as their own beliefs and assumptions. Make note of students who are reluctant to engage with the text beyond the level of literal understanding. Subsequently, this information can be analyzed and used to inform your small group and one-on-one instruction.

Conferring Questions:

- What does the author want you to believe or think? What makes you think that?
- What techniques does the author use to get the message across?
- Who is the intended audience?
- Whose perspective is presented in this text? Who might have a different perspective?
- Whose voice is heard? Whose voice is not heard?
- How has the text challenged or confirmed your thinking about the topic?
- What bias(es) does the author have related to this issue?



Pre-assess	Teach	Check for Understanding	Reteach and Enrich
Pre-assess the unit goal(s) and gather any other available data.	*Select teaching points and instructional delivery models based on the data.*	*Look for evidence of student understanding through ongoing assessments.*	*Differentiate instruction for the learners in your classroom. Information gleaned from this unit can be used to inform the next unit.*
• Pre-assessment	• Teaching Points • Interactive read aloud • Shared reading • Small group work • Reading conferences	• Anecdotal notes • Running records • Talk • Post assessment • Reading conferences	• Focus lesson • Interactive read aloud • Shared or interactive reading • Small group work • Reading conferences

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Testing Connections

The question stems below are similar to those found on the VDOE SOL practice items and released tests. Consider using the test-question stems during read alouds, shared reading, and small group instruction to help students make connections between what they have learned in this unit and the way test questions may be asked. For more information see the Testing as a Genre unit, which explains specific test-taking strategies and the Throughout the Year reading unit, which contains more information on the best way to incorporate testing language and practice into a unit of study.

Related Test Question Stems
• The main reason the author wrote this article is to _____.
• The author includes paragraphs _____ most likely to _____.
• Based on the article, select each sentence that is correct.
• The main reason the author wrote this article is to _____.
• The author includes lines _____ to _____.
• What is the main reason the author wrote the (type of functional text)?
• Which sentence about the (type of functional text) is a (fact, opinion)?
• Which word uses a (prefix, suffix) that means the same as _____?
• Using the dictionary entry, which meaning of _____ is used in paragraph _____?

Instructional Delivery Models

Teaching Points

Following are possible teaching points to consider when planning this unit of study. The teaching points are grouped by unit goal, but the sequence for teaching those lessons will depend upon the current needs and experiences of your class. Likewise, some of the lessons may stretch over more than one day. You may teach more than one way to do something or need to provide further direction on how to do it. Keep in mind that knowing your students and their needs will guide you in deciding what to teach and how to best teach it. Remember, the teaching points below could be used to guide teaching for small groups and one-on-one conferences in addition to whole group lessons.

Readers understand that media messages (advertisements, radio ads, blogs, and nonfiction	• Readers consider the ideas in texts. These ideas can be stated directly, or the author may include clues. • Readers determine the difference between facts and opinions communicated in advertisements and other media messages.

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articles) are not neutral and represent beliefs held by the author and groups in society.	• Readers consider potential bias in texts. • Readers understand why an author may be writing with a particular purpose. (The Reading Strategies Book 8.20, p. 242) • Readers consider what the author wants them to believe. • Readers think about how different people, ideas, and issues are represented in texts. • Readers determine how power is used by thinking about whose voices and experiences authors include in their writing.
Readers analyze the choices the author makes (structure, language, format) to construct power, position, and perspectives.	• Readers analyze how authors show people as being powerful or powerless. • Readers notice when the author uses a noun to replace a verb. (Example: colonization) Readers ask, "Who did this? Who was affected? How were those people affected?" (Example: Who did the colonizing? Who was colonized? How were those people affected?) • Readers analyze illustrations and photographs for bias and stereotypes. Readers look for opinion words and voice to understand the author's purpose. (*The Reading Strategies Book* 8.22, p. 244)
Readers determine whether or not to accept how the text is positioning them.	• Readers compare their ideas about issues to authors' ideas. • Readers compare the perspective of authors who write about similar subjects and topics to develop their own opinions. • Readers think about important ideas shared in discussions. • Readers think about how their own power, privilege, and position influences their thinking.

Interactive Read Aloud

Model recognizing the author leaves clues to determine the author's set of beliefs on a topic. It is important for students to realize that critical readers identify bias and author's craft in all media messages, including nonfiction texts. More information on planning an interactive read aloud and a planning template are available through these links.

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Interactive Read Aloud Example

Endangered Rain Forests: Investigating Rain Forests in Crisis by Rani Iyer (myON)

Suggested Mentor Texts

myON Books

Unusual and Awesome Jobs Using Math by Lisa Simons
Books by Suzanne Slade (*What If There Were No …?*)
Books by Rani Iyer (*Endangered Earth* Series)

Short Text Collections

Persuasive Writing Cards for Grades 3-6 by Teacher Created Materials (distributed by FCPS)
Toolkit Texts: Short Nonfiction for Guided and Independent Practice by Stephanie Harvey and Anne Goudvis

Websites

KidsPost – www.washingtonpost.com//kidspost
Time for Kids – www.timeforkids.com
Newsela – www.newsela.com

Teacher Think Aloud Prompts

- "This text seems to be about _____. I have always thought _____ about _____. I wonder what the author thinks."

Turn and Talk Prompts

- What do you already know about this topic? What are your beliefs about this topic?
- What are the different features (word choice, pictures, etc.) making you think and/or feel?

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- "Right here it says _____, but I know that _____. Why is the author saying this?"
- "The author shared his or her opinion when he or she said_____. I agree or disagree because_____."
- "I think the author wants me to think _____ because _____."
- "Based on what the author did, I think _____."
- "The author says _____, but did not say _____. I think this was done because _____."
- "At first I thought _____, but now I think _____ because _____."
- One author said _____. Another author said _____. I think _____.
- My partner thinks _____. I agree (or disagree) because _____.

- What do you think the author wants you to buy, think, or do?
- What) is the author telling you?
- What hints are the text features (headlines, captions, etc.) giving you about the author's opinion?
- What do you think the author wants you to think or feel about this topic?
- Whose voice is heard? Whose is voice is not heard?
- Why does this author include one perspective and omit others?
- Do you agree with this author? Why or why not?
- How is your thinking being challenged or confirmed as you read this text?
- What new understandings are you developing as you read this text?

Tier 1 Access to Rigor

- Paul's Reasoning Model: Should elementary students be allowed to use social media? - Paul's Reasoning Model supports students in thinking through an issue or problem, asking them to think critically as they form opinions on issues. The model focuses on eight elements of reasoning: issue, purpose, point of view, assumptions, concepts, evidence, inferences, and implications or consequences. In this slide deck, students will examine the issue: Should elementary students be allowed to use social media?
- William and Mary Reasoning about a Situation or Event - This model is based on the elements and premise of Paul's Reading Model and is intended to be used when analyzing a specific event where two or more people, or groups of people, conflict with one another and have a vested interest in the outcome of the event.
- Tier 1 Access to Rigor - Q3 (eCART PDF)
  - For additional Tier 1 Access to Rigor Resources, please refer to the Tier 1 Access to Rigor Toolkit and the AAP Tier 1 Access to Rigor Google Site.

Considerations for English Learners

In this unit, students are asked to use language to analyze and synthesize.

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To analyze, students will use language to separate concepts and ideas into parts, identify relationships and patterns, and find evidence to support generalizations. Example from unit 6: *"After reading each part of this text, I see that the author believes that the American Revolution was necessary for change."* To synthesize, students will use language to combine or integrate ideas to form a new whole. Example: *"First, I thought that only men fought in the Revolutionary War. After reading and discussing the text, now I know that women had important roles too."*

Tier 1 Scaffolds and Supports

This section contains scaffolds and supports for all students, including English learners and students with disabilities. These challenges can be addressed within whole group, small group, or in a one-on-one conference. Tier 1 Supports and Scaffolds for all learners provides general differentiation ideas that can be used when planning instruction.

If students…	Then…
• Are passive consumers of text	• Find a text you know the students will disagree with and confer with them about how important it is to question what is read. • Consider partnering a beginning English Learner with two readers who may be more fluent to make a reading trio (instead of partnership). • Model and encourage students to read with a sense of questioning as they encounter new topics.
• Are hesitant to engage in discussions or assert their opinions	• Consider whether this work feels threatening due to the student's background and encourage the student to engage with topics that may be less emotionally charged. • Consider the mentor texts that you use choose for focus lessons. Choose texts that contain topics to which students can relate. • Allow students to have opportunities to share their opinions in partners and/or small group settings. Giving students choice in their partnerships may help them feel safe in sharing their opinions. • Create individual charts of teaching points or strategy lessons for students to keep in their reading notebooks. Consider using visual supports to assist students in understanding the common language of this unit.
• Have difficulty being accepting of others' ideas and opinions	• Revisit classroom routines and expectations for maintaining a safe climate for all voices. • Facilitate discussion during morning meeting, lunch, and recess about social, non-academic topics.

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Resources

The following resources are available for you to use in conjunction with the teaching points and lesson examples included above.

Electronic Resources
Word Study: Phonics, Spelling, and Vocabulary Progression Chart

Print Resources
Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms, 2nd ed. by Vivian Vasquez
The Reading Strategies Book by Jennifer Serravallo
Critical Literacy: A Way of Thinking, a Way of Life by Cynthia A. McDaniel
Language and the Design of Texts by Hillary Janks
"Addressing Silences: Creating Space for Conversations That Matter to Students" in *Innovative Voices in Education* by Sara Kugler.

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Overview

Our identities are shaped by everything, including what we read. Adults learn not to take everything at face value. When an ad in a magazine promises happiness and confidence by just wearing something, you know not to believe it. Students are constantly bombarded with text, literature, and media that encourages them to think or feel a certain way about something, and may not be as savvy about things like position and bias. In this unit, students learn that readers *and* authors bring their own beliefs and assumptions into the texts they read and write. These beliefs and assumptions, whether explicit or implicit, can be controlling and can influence beliefs and attitudes. In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez writes, "Texts work to position us in particular ways; therefore, we need to interrogate the perspective(s) of others (2010, p. 3). Readers *interrogate* texts by questioning, critiquing, analyzing, and agreeing or disagreeing as they seek to build understanding. Critical literacy is about reading and analyzing *all* text thoughtfully, taking position, power, bias, and assumptions into consideration as readers work to deepen and/or revise their own beliefs and understandings. Vasquez also mentions that critical analysis of text moves the reader to action. "[…] it is the action piece, doing something with what we discover through critical analysis of text, that helps us to participate differently in the world" (p. 17). As students develop this critical eye, encourage them to not only examine media and persuasion in this way, but to value looking at *all* text through this lens and use this skill as a lifelong reader.

Enduring Understandings and Essential Questions

Enduring Understandings	Essential Questions
• Understand that authors bring experiences, cultural influences, and ideas to their writing; no text is neutral. "Every text is just one set of perspectives on the world, a representation of it; language…works to construct reality" (Janks, 2005). • Understand that texts work to position their readers and readers have a responsibility to interrogate the text. "The ideal reader, from the point of view of the writer, is the reader who buys into the text and its meanings" (Janks, 2005). • Understand that critical literacy is a way to read the world and develop agency. "Passive voice allows for deletion of the agent" (Janks, 2005).	• What power do you have as a reader?

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Unit Goals

- Readers understand that media messages (advertisements, radio ads, PSAs, OpEds, blogs, and nonfiction articles) represent beliefs held by the author and groups in society.
- Readers analyze the choices the author makes (organization, language, and format) to construct power, position, and perspectives.
- Readers take a critical stance while reading, analyzing the author's explicit and *implicit* beliefs and comparing them against their own.
- Readers determine whether or not to accept how the text is positioning them.

2017 Standards

5.1 The student will use effective oral communication skills in a variety of settings.
a) Listen actively and speak using appropriate discussion rules with awareness of verbal and nonverbal cues.
b) Participate in and contribute to discussions across content areas.
c) Summarize information gathered in group activities.
d) Orally express ideas clearly in pairs, diverse groups, and whole class settings.
e) Use evidence to support opinions and conclusions.
f) Summarize the main points a speaker makes, and connect comments to the remarks of others.
g) Demonstrate the ability to collaborate with diverse teams, while sharing responsibility for the work.
h) Work respectfully with others and show value for individual contributions.

5.3 The student will learn how media messages are constructed and for what purposes.
a) Identify the purpose and audience of auditory, visual, and written media messages.
b) Identify the characteristics and effectiveness of a variety of media messages.
c) Compare and contrast techniques used in a variety of media messages.

5.6 The student will read and demonstrate comprehension of nonfiction texts.
a) Use text features such as type, headings, and graphics, to predict and categorize information.
b) Skim materials to develop a general overview of content and to locate specific information.
c) Identify the main idea.
d) Summarize supporting details.
e) Identify organizational pattern(s).
f) Identify transitional words and phrases that signal an author's organizational pattern.
g) Locate information from the text to support opinions, inferences, and conclusions.
h) Identify cause and effect relationships.
i) Differentiate between fact and opinion.
j) Compare and contrast details and ideas within and between texts.

For more information about the Virginia Department of Education's standards please consult the 2017 Virginia Department of Education Curriculum Framework

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Revisiting Throughout the Year

Remember to incorporate the ideas from the Throughout the Year unit into your instruction during this unit. The following ideas will help to connect the Throughout the Year topics to this current unit of study.

Independent Reading

In this unit, students consider how *all* texts can be viewed with a critical eye. As a result, students need a wide variety of texts available for independent reading. This provides opportunities to think about bias, beliefs, and power across genres and how those components influence the author's intended message.

Reading Partnerships and Talk

During this unit, students have opportunities to process their thinking about the texts they read, the author's implicit and explicit assumptions and biases, and their own beliefs. An essential component is discussions with peers in partnerships and in small groups. In order for student conversations to productively support them as they develop a critical eye when reading, consider revisiting ground rules of conversation in your classroom. Some important tenets to revisit with students include the importance of respecting differing opinions, listening to others, and encouraging reluctant speakers to contribute to the conversation. Teaching students how to paraphrase what they heard before responding is an effective way to help students navigate conversations so that all voices are heard and respected. Review talk moves for questioning and disagreeing respectfully with peers during conversations. The intent of partnerships and talk throughout this unit is not for students to debate ideas or beliefs, but rather for students to consider multiple perspectives as they analyze texts and advertisements and consider how those messages impact readers.

Vocabulary Connection

An important part of critically evaluating media messages is recognizing the role vocabulary plays in crafting them and creating certain responses in readers. Authors deliberately choose words in ways to help their audience understand and sympathize with their logic and affect them emotionally. By using Linear Arrays, students become aware of the subtle distinctions among closely related words, think about author's choice of language, and build their vocabularies in the process.

Considerations for Teaching

The considerations listed below are ideas to think through when planning for and developing student understanding of this unit's content. Planning with the Enduring Understandings and Essential Questions in mind will facilitate the forging of connections among important literacy ideas for you and your students.

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Consideration 1: What is Critical Literacy?

In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez writes, "[T]here is no such thing as a critical literacy text" (2010, p. 2). Instead, critical literacy is a framework or mindset with which one can analyze *any* text. Critical literacy takes into account that "[A]ll texts are created from a particular perspective with the intention of conveying particular messages" (2010, p.3). As a result, readers need to take a tentative, questioning stance when reading any text. Readers need to question and analyze not only the *author's* beliefs and assumptions that have (explicitly or implicitly) influenced the message of the text, but also their *own* beliefs and assumptions that influence their reading of the text. These beliefs and assumptions might be social, cultural, or political, and they might be overt or subtle. Once the reader has identified these beliefs and assumptions, their job is to deepen or revise their own thinking about the topic as they evaluate their thinking against the author's thinking.

Critical readers understand that texts are not neutral. Readers take an active role and do not accept messages at "face value." From this perspective, readers examine, analyze and evaluate the underlying ideas in texts, asking questions such as:

- What is the author's perspective?
- What does the author want me to believe or do?
- What information did the author include to influence me?
- What evidence is included?

As readers consider these questions, they develop their own thinking and opinions.

Consideration 2: Texts to Use

Readers can apply a critical lens to a wide range of messages, including unconventional texts such as T-shirts, graffiti, and even cereal boxes (McDaniel, 2004). One way to scaffold, might be to begin with familiar texts, such as nonfiction expository texts. For example, you might use nonfiction texts written from different perspectives around the same topic. This can include newspaper and magazine articles from sources such as *Time for Kids* paired with editorials and/or blogs in which authors express diverse viewpoints on the issues.

Additionally, you might use an array of narrative nonfiction texts that explore social issues (e.g., *Cheyenne Again* by Eve Bunting, *The Sweet Smell of Roses* by Angela Johnson). Readers can use these texts to develop their own thinking about various social issues. In addition, these texts might provide a springboard from which to build the rest of the unit. For example, after examining issues of racial equality across a range of narrative nonfiction texts, students might explore representations of racial equality in print and television advertisements.

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In this unit, help students understand the real-life functions of text. Consider using media messages, such as print and television advertisements. When using these media messages, teach students to analyze them for the underlying ideas and assumptions. This requires readers to be sophisticated in their analysis of author's purpose and message. Readers go beyond identifying whether the author intends to persuade, inform and/or entertain the audience. Readers analyze advertisements for assumptions and biases about gender roles, age, and social customs, etc. For example, a magazine advertisement for Legos from the 1970s depicts a young boy proudly showing off his Lego tower. Readers can read this visual and ask, "What assumptions about gender, age, and cultural identity is this ad showing?" Interestingly, a current-day Lego ad shows a young girl playing with Legos. Readers might ask the same question of this visual. Ask students to compare these images, and consider what they reveal about the evolution of gender roles across the decades.

Consideration 3: Readers (and Writers) Are Not Neutral

Vasquez reminds us that, "All texts are created from a particular perspective with the intention of conveying particular messages" (2010, p.3). Because readers and writers are members of diverse cultures, they hold assumptions and beliefs about the world, their cultures, and about other groups. Assumptions and beliefs are complex and develop throughout a person's life; they are the lens through which we understand the world and our place in it. Authors write from their own assumptions and beliefs. Likewise, readers read from their own assumptions and beliefs, and these influence how readers interpret text.

Demonstrate how to use these questions when critically evaluating texts.

Questions to Consider Perspective
What do advertisers believe about this group of people?
What does the author want me to believe about this group of people? (e.g., boys play with Legos)
What do I think about what the author is trying to convince me to think, do, or buy?
What assumptions do I have about this topic?
Why do I feel that way about that topic? (e.g., I don't agree because my sister loves playing with Legos)

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Consideration 4: Power, Position, Perspective, and Privilege

Critical literacy invites readers to think about the social, cultural, and political structures in which they live. This means that readers will consider the ways in which power, position, perspective, and privilege are both allocated and represented within and across texts. Throughout this unit, students carefully consider the ideas of power, position, perspective, and privilege as they analyze texts. They also consider their own position, perspective, and privilege influences their beliefs about a topic or issue.

Term	Definition	Examples
Privilege	An opportunity or benefit given to some and not to others.	*Fly Away Home* by Eve Bunting *Smoky Night* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh
Position	One's place in society (in relation to others) due to being part of a social, cultural and/or political group.	*One Green Apple* by Eve Bunting *The Other Side* by Jacqueline Woodson *Encounter* by Jane Yolen *The Lunch Thief* by Anne C. Bromley *The Wall* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh *The Bully* by Patricia Polacco *Amazing Grace* by Mary Hoffman
Perspective	How one views a situation, based on his or her experiences or position in society.	*The Other Side* by Jacqueline Woodson *Encounter* by Jane Yolen *The Lunch Thief* by Anne C. Bromley *The Wall* by Eve Bunting *Amazing Grace* by Mary Hoffman *Thank you, Mr. Falker* by Patricia Polacco *The Junkyard Wonders* by Patricia Polacco *Erika's Story* by Ruth Vander Zee

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Power	An opportunity or benefit given to some and not to others.	*Smoky Night* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh *The Bully* by Patricia Polacco

Recognize that in classrooms, students hold varying levels of power and privilege and have multiple positions and perspectives. Ensure that your classroom community is an emotionally safe space for students, so they feel comfortable expressing their ideas and beliefs. When choosing texts for this unit, consider the students in your classroom and be mindful of how to engage them in exploration of potentially sensitive topics. In addition, consider ways to expose students to engaging texts that represent multiple perspectives, diverse experiences, and differing opinions and views.

Consideration 5: Literacy for Action

The aim of critical literacy is social change and transformation. Explore social issues such as race, class, and/or gender. Students' experiences with text enable them to explore these issues and consider the ways in which language shapes how diverse groups, ideas, and cultures are represented and understood within broader contexts. In the course of this work, readers develop their own stances on social issues that matter to them. They understand that they have the choice to act on this understanding, advocating for issues which matter to them. This might involve taking advocacy actions (e.g., writing Letters to the Editor, working to change school policies, etc.). Action might also be the development of a deeper understanding and/or fostering of empathy for people. Students understand that the *action* created from critical analysis of text can be internal and/or external and that people are changed in some way by the texts they read. This is what moves students beyond being passive consumers of information to being critical readers.

Consideration 6: Common Language for Critical Literacy

As with any new unit of study, there are terms that help readers precisely and effectively talk about the ideas with a common language. Some of these terms are listed below, along with questions readers might ask of text. Intentionally use these words and questions as you model thinking related to the goals of this unit (in Interactive Read Aloud and Focus Lessons). Define the words and give examples as they come up in these authentic contexts. You do not need to teach each of these terms. The intention is for students to be able to *use* these words, when relevant, to convey their thinking as they discuss texts. As you design your lessons, select the terms and questions that best match your instructional objectives and scaffold your students. Readers work with these terms and ideas in sixth grade as well.

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Term	Definition	Questions to Ask of Text
Voice	The ability to express a wish, choice, or opinion.	Whose voice is heard in this text? Whose voice is silent or ignored in this text?
Advocate	To support or argue for something.	What is the author advocating for in this text? Why might someone advocate for the other side of the issue?
Assumption	Something that one accepts to be true. (This could be positive or negative.)	What assumptions is the author making? About the audience? About the social, cultural, and political groups represented (or ignored) in the text? What assumptions do *I* have about the author, various groups, and the topic?
Beliefs	A conviction that something is good, correct, or valuable.	What does the author believe about the world? About specific social, cultural, or political groups? About the reader? About the topic? What do I believe about these things?
Bias	A personal favoring of some ideas (or people) over others.	What bias(es) does the author have related to this issue? What bias(es) do I have related to this issue?
Emphasis	Special importance or attention given to something, sometimes in a forceful way.	What does the author emphasize in this text? What does the author choose not to emphasize (to ignore)?
Critical	Exercising careful judgment to evaluate the positive or negative aspects of something.	Has the author critically examined this issue? Have I critically considered my perspective on this issue? How has my critical consideration of this issue changed or confirmed my thinking?

Most definitions adapted from www.Merriam-Webster.com

Consideration 7: Types of Media (Formats and Organizational Patterns)

This unit is different from many of the other units this year. The focus is on a stance readers develop, rather than on a genre. Help students take this critical stance when they read *any* genre, not just with one specific genre; however, a critical literacy stance is particularly useful when evaluating media. As a result, many teaching points in this unit address media.

There are several types of media you might explore with students, and they are listed in the table below. Although texts such as flyers, recipes, and directions can sometimes fit under the "media" label, those texts will be addressed later in the "Testing as a Genre" unit.

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The table below lists different types of media messages to explore in this unit as well as possible organizational patterns that messages may follow. In past grades, these organizational patterns were introduced in nonfiction reading units. It is not necessary in this unit to teach all the different organizational patterns; however, consider pointing them out as they arise.

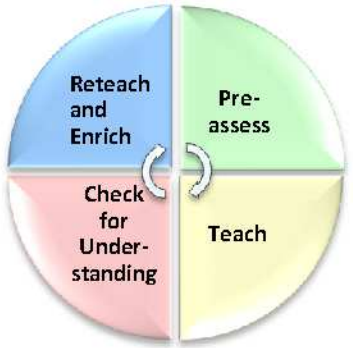
Types	Possible Organizational Patterns
• Print Advertisements • Radio Advertisements • TV Advertisements • Public Service Announcements (PSAs) • Op-Ed (opinion essay in newspaper or magazine, short for "opposite editorial") • Essays • Blog posts • Nonfiction articles	• Narrative (small moment, always story, cycle) • Chronological • Compare and Contrast • Problem and Solution • Main Idea and Details (Boxes and Bullets) • Cause and Effect

Ongoing Assessment

Throughout this unit, check for students' understanding of the different types of media messages, the explicit and implicit messages authors might send, and the techniques used. Subsequently, this information can be analyzed and used to inform your small group and one-on-one instruction.

Conferring Questions:

- What does the author want me to believe or think?
- What was the author implying by using these particular words, phrases, and/or images?
- What is the author really trying to say?
- What does this show me the author believes?
- Whose voice is heard? Whose voice is not heard?
- Who seems to have power? Who does not?



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- What does that make me think about the topic?

Pre-assess	Teach	Check for Understanding	Reteach and Enrich
Pre-assess the unit goal(s) and gather any other available data.	*Select teaching points and instructional delivery models based on the data.*	*Look for evidence of student understanding through ongoing assessments.*	*Differentiate instruction for the learners in your classroom. Information gleaned from this unit can be used to inform the next unit.*
• Pre-assessment	• Teaching points • Interactive read aloud • Shared reading • Small group work • Reading conferences	• Reading conferences • Anecdotal notes • Running records • Talk • Post assessment	• Focus lesson • Interactive read aloud • Shared reading • Small group work • Reading conferences

Testing Connections

The question stems below are similar to those found on the VDOE SOL practice items and released tests. Consider using the test-question stems during read alouds, shared reading, and small group instruction to help students make connections between what they have learned in this unit and the way test questions may be asked. For more information see the Testing as a Genre unit, which explains specific test-taking strategies and the Throughout the Year reading unit, which contains more information on the best way to incorporate testing language and practice into a unit of study.

Related Test Question Stems
• According to the passage, which meaning of _____ (unknown word) is used in paragraph___? (multiple meaning word)
• According to the passage, the reader can best conclude that…
• The author most likely wrote this passage to …
• Which sentence from the article is an opinion…
• How is the information in paragraphs __ and ___ organized?
• Based on this article, what does the author most likely believe?
• The main purpose of this article is to _____
• The _____ (text feature) is included in the article in order to _____.

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• The reader may best understand that the passage was written by any of the following EXCEPT –
• If the author wanted to add more information about _____ it would be added to paragraph _____.

Instructional Delivery Models

Teaching Points

Following are possible teaching points to consider when planning this unit of study. The teaching points are grouped by unit goal, but the sequence for teaching those lessons will depend upon the current needs and experiences of your class. Likewise, some of the lessons may stretch over more than one day. You may teach more than one way to do something or need to provide further direction on how to do it. Keep in mind that knowing your students and their needs will guide you in deciding what to teach and how to best teach it. Remember, the teaching points below could be used to guide teaching for small groups and one-on-one conferences in addition to whole group lessons.

Readers understand that media messages (advertisements, radio ads, PSAs, Op-Eds, blogs, and nonfiction articles) represent beliefs held by the author and groups in society.	• Readers consider the ideas in texts. These ideas can be stated directly, or the author may include clues. • Readers determine the difference between facts and opinions communicated in advertisements and other media messages. • Readers look carefully at advertisements and other media messages. • Readers consider potential bias in texts.
Readers take a critical stance while reading, analyzing the author's explicit and *implicit* beliefs and comparing them against their own.	• Readers consider what the author wants us to believe. • Readers think about what how different people, ideas and issues are represented in texts. • Readers determine how power is used by thinking about whose voices and experiences authors write about.
Readers analyze how the choices the author makes (organizational patterns, language, and format) to construct power, position, and perspectives.	• Readers look for how authors show people as being powerful or powerless. • Readers notice when the author uses a noun to replace a verb. (Example: colonization) Readers ask, "Who did this? Who was affected? How were those people affected?" (Example: Who did the colonizing? Who was colonized? How were those people affected?) • Readers analyze illustrations and photographs for bias and stereotypes.
Readers allow their thinking to be challenged by the perspectives of authors and other readers.	• Readers compare their ideas about issues to authors' ideas. • Readers compare the perspective of authors who write about similar subjects and topics to develop their own opinions. • Readers think about important ideas shared in discussions.

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	• Readers think about how their own power, privilege, and position influences their thinking.

Interactive Read Aloud

Models how to determine the author's perspective and how the author purposefully builds an argument to send a message. It is important for students to realize that critical readers identify bias and author's craft in all media messages, including nonfiction texts. Although the example below is a picture book, this is a good way to start the unit and encourage students to be thinking about the author's position and bias. More information on planning an interactive read aloud and a planning template are available through these links.

Interactive Read Aloud Example
Endangered Oceans: What if There Were No Sea Otters? by Suzanne Slade (myON)

Teacher Think Aloud Prompts	Turn and Talk Prompts
• "This text seems to be about _____. I have always thought _____ about _____. I wonder what the author thinks." • "Right here it says _____, but I know that _____. Why is the author saying this?" • "The author shared his or her opinion when he or she said_____. I agree or disagree because_____." • "I think the author wants me to think _____ because _____." • "The group _____ has more power because _____." • "Based on what the author did, I think _____." • "The author says _____, but did not say _____. I think this was done because _____."	• What do you already know about this topic? What are your beliefs about this topic? • What are the different features (colors, pictures, etc.) making you think and/or feel? • What do you think the author wants you to buy, think or do? • What ideas is the author telling me? • What hints are the features (headlines, captions, etc.) giving you about the author's opinion? • What do you think the author wants you to think or feel about this topic? • Whose position is present? Whose is absent? • Does one group of people seem to have more power? What does that make you think and feel about this issue? • Why does this author include one perspective and omit others?

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• "At first I thought _____, but now I think _____ because _____."	• What about you? Do you agree with this author? Why? • How is your thinking being challenged as you read this text? • What new understandings are you developing as you read this text?

Suggested Mentor Texts

myON Books

The Big Push: How Popular Culture Is Always Selling by Erika Wittekind
The Kids' Guide to Sports Media by Shane Frederick

Picture Books

The Lunch Thief by Anne C. Bromley
Smoky Night by Eve Bunting
Fly Away Home by Eve Bunting
One Green Apple by Eve Bunting
The Wall by Eve Bunting
Amazing Grace by Mary Hoffman
The Bully by Patricia Polacco
Thank you, Mr. Falker by Patricia Polacco
The Junkyard Wonders by Patricia Polacco
Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation by Duncan Tonatiuh
The Other Side by Jacqueline Woodson
Erika's Story by Ruth Vander Zee
Encounter by Jane Yolen

Short Text Collections

Persuasive Writing Cards for Grades 3-6 by Teacher Created Materials (distributed by FCPS)
Toolkit Texts: Short Nonfiction for Guided and Independent Practice by Stephanie Harvey and Anne Goudvis

Websites

KidsPost – www.washingtonpost.com//kidspost
Time for Kids – www.timeforkids.com
Newsela – www.newsela.com
Scholastic News – http://magazines.scholastic.com/

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Tier 1 Access to Rigor

- Quarter 1 AAP Tier 1 Access to Rigor Resources

***Reading Above (SEM-R)* Bookmarks**

Reading Above Bookmarks (Google Slide Deck) provide questions that can be incorporated into discussions.

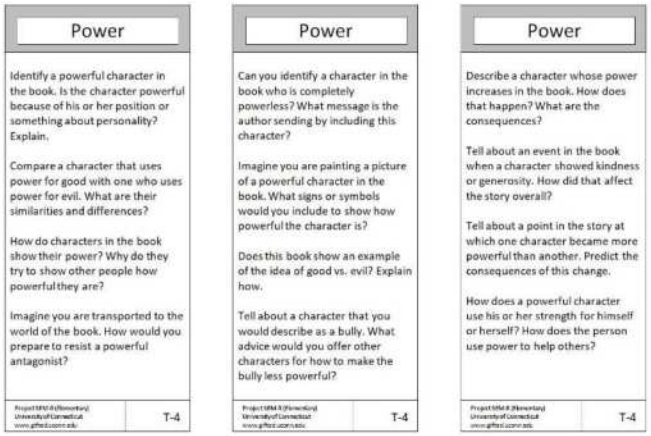
The bookmarks may also be used as prompts for students to respond verbally or record in a reading notebook or response journal. There are specific bookmarks on nonfiction, power, and perspective/point of view that can be used to analyze and evaluate texts. In this unit, make sure students are exposed to a variety of narrative nonfiction texts, balancing the amount of biographies and historical or science texts in your classroom. It is vital that students continue to read widely and have time-in-text with their independently chosen books.

Critical Questions from the Reading Above Bookmarks:

- **Point of View Bookmarks:**
  - Bias happens when the author presents only one point of view on an issue that may have multiple perspectives. Describe how you might investigate whether this book presents information in a biased way.
  - What point of view do you think the author conveys on the topic? Do you think he or she shows bias? How? If not, how did the author avoid conveying a bias?

Power Bookmarks:

- Identify a powerful character in the book. Is the character powerful because of his or her position or something about personality? Explain
- How do characters in the book show their power?
- Can you identify someone in the book who is completely powerless? What message is the author sending by including this information?



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- Imagine you are painting a picture of a powerful character in the book. What signs or symbols would you include to show how powerful the character is?
- Describe a character whose power increases in the book. How does this happen? What are the consequences?

Nonfiction Bookmarks:

- How could an idea in this book improve or change the world? Or, if you are reading a history book, how did an idea in the book change the world?
- How is the information in this book organized? In what ways is it similar to or different from a fictional narrative?
- What different perspectives were presented on an issue in this book? How well balanced were the viewpoints?
- What new information have you learned from this book that makes you curious to learn more about the topic?

Teachers may also reference the planning and individual conference pages found in the **Reading Above Guide** (eCART Zip file).

Considerations for English Learners

In this unit, students are asked to use language to analyze and inquire.

- To analyze, students will use language to separate concepts and ideas into parts, identify relationships and patterns, and find evidence to support generalizations. Example from unit 3: "After reading the story, I think that Young Bull was afraid of losing his home, his language and his culture as a result of going to the government school."
- To inquire, students will use language to acquire and clarify information. Example from unit 3: "What are some reasons that Young Bull's father agreed to send him to the government school? Who had the power to decide which school Young Bull would attend? How do you think it made his father feel?"

Tier 1 Scaffolds and Supports

This section contains scaffolds and supports for all students, including English learners and students with disabilities. These challenges can be addressed within whole group, small group, or in a one-on-one conference. Tier 1 Supports and Scaffolds for all learners provides general differentiation ideas that can be used when planning instruction.

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If students…	Then…
• Are passive consumers of text	• Find a text that you know the student will disagree with or a text that is blatantly not true and confer with the student about how important it is to question what we read. • Teach the student to identify parts of the text in which the author states an opinion or presents a position. • Model the developing, revising, interpreting, and sharing ideas with others. Encourage students to read with a sense of questioning as they encounter new topics.
• Hesitate to express an opinion that differs from the author or another student	• Consider the student's background and perspective. • Show the student examples from mentor texts or electronic resources in which a person expresses a different opinion.
• Experience difficulty understanding or using the language of the unit	• Use sentence frames, such as: "I think the author is saying _____ because _____." "The text says _____, so I think _____." • Create individual charts of teaching points or strategy lessons for students to keep in their reading notebooks. Consider using visual supports to assist students in understanding the common language of this unit.
• Are English Learners (ELs)	• Considered partnering the EL with two fluent speakers to make a reading trio (instead of partnerships) so that there are two models of fluent English for the English Learner. • Consider finding the text, or similar text in the EL's home language. My On, and Benchmark are two possible sources. Please confer with your ESOL teacher.

Resources

The following resources are available for you to use in conjunction with the teaching points and lesson examples included above.

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Electronic Resources	
Learning About Media Literacy	myON Book
Learning About Ads	myON Book
Word Study: Phonics, Spelling, and Vocabulary Progression Chart	eCART Resource # R019933

Print Resources
The Continuum of Literacy Learning by Gay Su Pinnell and Irene C. Fountas
The Reading Strategies Book by Jennifer Serravallo
Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K–6 Classrooms by Vivian Vasquez
Critical Literacy: A Way of Thinking, a Way of Life by Cynthia A. McDaniel
Language and the Design of Texts by Hillary Janks
Comprehension Through Conversation: The Power of Purposeful Talk in the Reading Workshop by Maria Nichols

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Overview

Our identities are shaped by everything, including what we read. Adults learn not to take everything at face value. When an ad in a magazine promises happiness and confidence by just wearing something, they know not to believe it. Students are constantly bombarded with text, literature, and media that encourages them to think or feel a certain way about something and may not be as savvy about things like position and bias. In this unit, students learn that readers *and* authors bring their own beliefs and assumptions into the texts they read and write. These beliefs and assumptions, whether explicit or implicit, can be controlling and can influence beliefs and attitudes. In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez writes, "Texts work to position us in particular ways; therefore, we need to interrogate the perspective(s) of others (2010, p. 3). Readers *interrogate* texts by questioning, critiquing, analyzing, and agreeing or disagreeing as they seek to build understanding. Critical literacy is about reading and analyzing *all* text thoughtfully, taking position, power, bias, and assumptions into consideration as readers work to deepen and/or revise their own beliefs and understandings. Vasquez also mentions that critical analysis of text moves the reader to action. "[…] it is the action piece, doing something with what we discover through critical analysis of text, that helps us to participate differently in the world" (p. 17). As students develop this critical eye, encourage them to not only examine media and persuasion in this way, but to value looking at *all* text through this lens and use this skill as a lifelong reader.

Enduring Understandings and Essential Questions

Enduring Understandings	Essential Questions
• Understand that authors bring experiences, cultural influences, and ideas to their writing; no text is neutral. "Every text is just one set of perspectives on the world, a representation of it; language…works to construct reality" (Janks, 2005). • Understand that texts work to position their readers, and readers have a responsibility to interrogate the text. "The ideal reader, from the point of view of the writer, is the reader who buys into the text and its meanings" (Janks, 2005). • Understand that critical literacy is a way to read the world and develop agency. "Passive voice allows for deletion of the agent" (Janks, 2005).	• What power do you have as a reader?

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Unit Goals

- Readers understand that media messages (advertisements, radio ads, PSAs, OpEds, blogs, and nonfiction articles) represent beliefs held by the author and groups in a society.
- Readers analyze the choices the author makes (organizational patterns, language, format) to construct power, position, and perspectives.
- Readers take a critical stance while reading, analyzing the author's *explicit* and *implicit* beliefs and comparing these beliefs to their own.
- Readers determine whether or not to accept how the text is positioning them.

2017 Standards

6.1 The student will use effective oral communication skills in a variety of settings.
a) Listen actively and speak using appropriate discussion rules with awareness of verbal and nonverbal cues.
b) Participate as a facilitator and a contributor in a group.
c) Participate in collaborative discussions with partners building on others' ideas.
d) Ask questions to clarify the speaker's purpose and perspective.
e) Summarize the main points a speaker makes.
f) Summarize and evaluate group activities.
g) Analyze the effectiveness of participant interactions.
h) Evaluate own contributions to discussions.
i) Demonstrate the ability to collaborate with diverse teams.
j) Work respectfully with others and show value for individual contributions.

6.3 The student will determine the purpose of media messages and examine how they are constructed.
a) Compare and contrast techniques used in a variety of media messages.
b) Identify the characteristics and effectiveness of a variety of media messages.
c) Interpret information presented in diverse media formats and explain how it contributes to the topic.
d) Craft and publish audience-specific media messages.

For more information about the Virginia Department of Education's standards please consult the 2017 Virginia Department of Education Curriculum Framework

Revisiting Throughout the Year

Remember to incorporate the ideas from the Throughout the Year unit into your instruction during this unit. The following ideas will help you to connect the Throughout the Year topics to this current unit of study.

Independent Reading

In this unit, students consider how *all* texts can be viewed with a critical eye. As a result, students need a wide variety of texts available for independent reading. This provides opportunities to think about bias, beliefs, and power across genres and how those components influence the author's intended message.

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Reading Partnerships and Talk

During this unit, students have opportunities to process their thinking about the texts they read, the author's implicit and explicit assumptions and biases, and their own beliefs. An essential component is discussions with peers in partnerships and in small groups. In order for student conversations to productively support them as they develop a critical eye when reading, consider revisiting ground rules of conversation in your classroom. Some important tenets to revisit with students include the importance of respecting differing opinions, listening to others, and encouraging reluctant speakers to contribute to the conversation. Teaching students how to paraphrase what they heard before responding is an effective way to help students navigate conversations so that all voices are heard and respected. Review talk moves for questioning and disagreeing respectfully with peers during conversations. The intent of partnerships and talk throughout this unit is not for students to debate ideas or beliefs, but rather for students to consider multiple perspectives as they analyze texts and advertisements and consider how those messages impact readers.

Vocabulary Connection

An important part of critically evaluating media messages is recognizing the role vocabulary plays in crafting them and creating certain responses in readers. Authors deliberately choose words in ways to help their audience understand and sympathize with their logic and affect them emotionally. Being aware of the subtle distinctions among closely related words and connotations of words is a first step. To help students understand this idea, a powerful technique to use is a Linear Array.

Considerations for Teaching

The considerations listed below are ideas to keep in mind to develop student understanding of this unit's content. Planning with the Enduring Understandings and Essential Questions in mind will facilitate the forging of connections among important literacy ideas for you and your students.

Consideration 1: What is Critical Literacy?

In *Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms* Vivian Vasquez writes, "[T]here is no such thing as a critical literacy text" (2010, p. 2). Instead, critical literacy is a framework or mindset with which one can analyze *any* text. Critical literacy takes into account that "[A]ll texts are created from a particular perspective with the intention of conveying particular messages" (2010, p.3). As a result, readers need to take a tentative, questioning stance when reading any text. Readers need to question and analyze not only the *author's* beliefs and assumptions that have (explicitly or implicitly) influenced the message of the text, but also their *own* beliefs and assumptions that influence their reading of the text. These beliefs and assumptions might be social, cultural, or political, and they might be overt or subtle. Once the reader has identified these beliefs and assumptions, their job is to deepen or revise their own thinking about the topic as they evaluate their thinking against the author's thinking.

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Critical readers understand that texts are not neutral. Readers take an active role and do not accept messages at "face value." From this perspective, readers examine, analyze and evaluate the underlying ideas in texts, asking questions, such as:

- What is the author's perspective?
- What does the author want me to believe or do?
- What information did the author include to influence me?
- What evidence is included?

As readers consider these questions, they develop their own thinking and opinions.

Consideration 2: Texts to Use

Readers can apply a critical lens to a wide range of messages, including unconventional texts such as T-shirts, graffiti, and even cereal boxes (McDaniel, 2004). One way to scaffold might be to begin with familiar texts, such as nonfiction expository texts. For example, you might use nonfiction texts written from different perspectives around the same topic. This can include newspaper and magazine articles from sources such as *Time for Kids* paired with editorials and/or blogs in which authors express diverse viewpoints on the issues.

Additionally, you might use an array of narrative nonfiction texts that explore social issues (e.g., *Cheyenne Again* by Eve Bunting, *The Sweet Smell of Roses* by Angela Johnson, *Faithful Elephants* by Yukio Tsuchiya). Readers can use these texts to develop their own thinking about various social issues. In addition, these texts might provide a springboard from which to build the rest of the unit. For example, after examining issues of racial equality across a range of narrative nonfiction texts, students might explore representations of racial equality in print and television advertisements.

In this unit, help students understand the real-life functions of text. Consider using media messages, such as print and television advertisements. When using these media messages, teach students to analyze them for the underlying ideas and assumptions. This requires readers to be sophisticated in their analysis of author's purpose and message. Readers go beyond identifying whether the author intends to persuade, inform and/or entertain the audience. Readers analyze advertisements for assumptions and biases about gender roles, age, and social customs, etc. For example, a magazine advertisement for Legos from the 1970s depicts a young boy proudly showing off his Lego tower. Readers can read this visual and ask, "What assumptions about gender, age, and cultural identity is this ad showing?" Interestingly, a current-day Lego ad shows a young girl playing with Legos. Readers might ask the same question of this visual. Ask students to compare these images and consider what they reveal about the evolution of gender roles across the decades.

There are several types of media you might explore with students, and they are listed in the table below. Although texts such as flyers, recipes, and directions can sometimes fit under the "media" label, those texts will be addressed later in the "Testing as a Genre" unit.

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The table below lists different types of media messages to explore in this unit as well as possible organizational patterns that messages may follow. In previous grades, these organizational patters were introduced in nonfiction reading units. It is not necessary in this unit to teach all the different organizational patterns; however, consider pointing them out as they arise.

Types	Possible Organizational Patterns
• Print Advertisements • Radio Advertisements • TV Advertisements • Public Service Announcements (PSAs) • Op-Ed (opinion essay in newspaper or magazine, short for "opposite editorial") • Essays • Blog posts • Nonfiction articles	• Narrative (small moment, always story, cycle) • Chronological • Compare and Contrast • Problem and Solution • Main Idea and Details (Boxes and Bullets) • Cause and Effect

Consideration 3: Readers (and Writers) Are Not Neutral

Vasquez reminds us that, "All texts are created from a particular perspective with the intention of conveying particular messages" (2010, p.3). Because readers and writers are members of diverse cultures, they hold assumptions and beliefs about the world, their cultures, and about other groups. Assumptions and beliefs are complex and develop throughout a person's life; they are the lens through which people understand the world and their place in it. Authors write from their own assumptions and beliefs. Likewise, readers read from their own assumptions and beliefs which influence how readers interpret text.

Demonstrate how to use these questions when critically evaluating texts.

Questions to Consider Perspective
What do advertisers believe about this group of people?
What does the author want me to believe about this group of people? (e.g., boys play with Legos)

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What do I think about what the author is trying to convince me to think, do, or buy?
What assumptions do I have about this topic?
Why do I feel that way about that topic? (e.g., I don't agree because my sister loves playing with Legos)

Consideration 4: Power, Position, Perspective, and Privilege

Critical literacy invites readers to think about the social, cultural, and political structures in which they live. This means that readers will consider the ways in which power, position, perspective, and privilege are both allocated and represented within and across texts. Throughout this unit, students carefully consider the ideas of power, position, perspective, and privilege as they analyze texts. They also consider how their own position, perspective, and privilege influences their beliefs about a topic or issue.

Term	Definition	Examples
Power	An opportunity or benefit given to some and not to others.	*Smokey Night* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh *The Bully* by Patricia Polacco
Position	One's place in society (in relation to others) due to being part of a social, cultural and/or political group.	*One Green Apple* by Eve Bunting *The Other Side* by Jacqueline Woodson *Encounter* by Jane Yolen *The Lunch Thief* by Anne C. Bromley *The Wall* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh *The Bully* by Patricia Polacco *Amazing Grace* by Mary Hoffman
Perspective	How one views a situation, based on his or her experiences or position in society.	*The Other Side* by Jacqueline Woodson *Encounter* by Jane Yolen *The Lunch Thief* by Anne C. Bromley *The Wall* by Eve Bunting

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		Amazing Grace by Mary Hoffman *Thank you, Mr. Falker* by Patricia Polacco *The Junkyard Wonders* by Patricia Polacco *Erika's Story* by Ruth Vander Zee
Privilege	An opportunity or benefit given to some and not to others.	*Fly Away Home* by Eve Bunting *Smokey Night* by Eve Bunting *Separate is Never Equal: Sylvia Mendez & Her Family's Fight for Desegregation* by Duncan Tonatiuh

Recognize that in classrooms, students hold varying levels of power and privilege and have multiple positions and perspectives. Ensure that your classroom community is an emotionally safe space for students, so they feel comfortable expressing their ideas and beliefs. When choosing texts for this unit, consider the students in your classroom and be mindful of how to engage them in exploration of potentially sensitive topics. In addition, consider ways to expose students to engaging texts that represent multiple perspectives, diverse experiences, and differing opinions and views.

Consideration 5: Literacy for Action

"Critical analysis without action seems to keep us in the same place as when we started. […] it is the action piece, doing something with what we discover through critical analysis of text, that helps us to participate differently in the world" (Vasquez, p. 17). The aim of critical literacy is social change and transformation. Explore social issues such as race, class, and/or gender. Students' experiences with text enable them to explore these issues and consider the ways in which language shapes how diverse groups, ideas, and cultures are represented and understood within broader contexts. In the course of this work, readers develop their own stances on social issues that matter to them. They understand that they have the choice to act on this understanding, advocating for issues which matter to them. This might involve taking advocacy actions (e.g., writing Letters to the Editor, working to change school policies, etc.). Action might also be the development of a deeper understanding and/or fostering of empathy for people. Students understand that the *action* created from critical analysis of text can be internal and/or external and that people are changed in some way by the texts they read. This is what moves students beyond being passive consumers of information to being critical readers.

Consideration 6: Common Language for Critical Literacy

As with any new unit of study, there are terms that help readers precisely and effectively talk about the ideas with a common language. Some of these terms are listed below, along with questions readers might ask of text. Intentionally use these words and questions as you model thinking related to the goals of this unit (in Interactive Read Aloud and Focus Lessons). Define the words and give examples as they come up in these authentic contexts. You do not need to teach each of these terms. The intention is for students to be able to *use* these words, when relevant, to convey their thinking as they discuss texts. As you design

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your lessons, select the terms and questions that best match your instructional objectives and scaffold your students. Readers learned and were encouraged to use these terms and ideas in fifth grade as well.

Term	Definition	Questions to Ask of Text
Connotation	An idea or quality that a word implies in addition to the meaning of the word.	Does this text describe the situation with a positive or a negative connotation? What words did the author use to convey either a positive or negative connotation?
Marginalize	To put (or keep) someone or something in a powerless position in a group or in society.	Whose beliefs and perspectives are marginalized in this text? Why might the author have marginalized those beliefs or perspectives?
Voice	The ability to express a wish, choice, or opinion.	Whose voice is heard in this text? Whose voice is silent or ignored in this text?
Advocate	To support or argue for something.	What is the author advocating for in this text? Why might someone advocate for the other side of the issue?
Assumption	Something that one accepts to be true. (An assumption can be either positive or negative.)	What assumptions is the author making? About the audience? About the social, cultural, and political groups represented (or ignored) in the text? What assumptions do *I* have about the author, various groups, and the topic?
Beliefs	A conviction that something is good, correct, or valuable.	What does the author believe about the world? About specific social, cultural, or political groups? About the reader? About the topic? What do I believe about these things?
Bias	A personal favoring of some ideas (or people) over others.	What bias(es) does the author have related to this issue? What bias(es) do I have related to this issue?
Emphasis	Special importance or attention given to something, sometimes in a forceful way.	What does the author emphasize in this text? What does the author choose not to emphasize (to ignore)?
Culture, subculture	The beliefs, ways of thinking, ways of behaving, etc., that are characteristic of a particular group of people. Subcultures are smaller groups within a larger group.	Which culture(s) and subculture(s) are represented? Are those cultures presented with a positive or negative connotation? Is the author an insider or an outsider of the culture(s)/subculture(s) presented? Am I part of the culture(s)/subculture(s) that are represented in this text?
Critical	Exercising careful judgment to evaluate the positive or	Has the author critically examined this issue? Have I critically considered my

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	negative parts of something.	perspective on this issue? How has my critical consideration of this issue changed or confirmed my thinking?

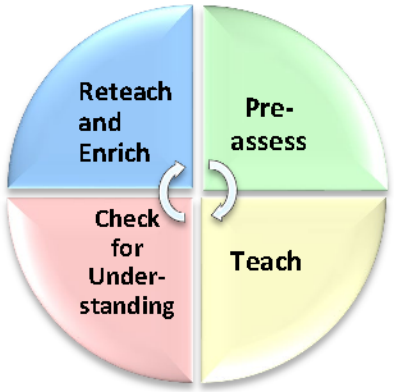
Most definitions adapted from www.Merriam-Webster.com

Ongoing Assessment

Throughout this unit, assessment focuses on where students are in their development of analyzing text with a critical eye. In your interactions with students, pay attention to whether students can identify authors' beliefs and assumptions, as well as their own beliefs and assumptions. Notice the depth with which the reader can recognize both explicit and implicit messages. Make notes of students who are reluctant to engage with text beyond the level of literal understanding. Subsequently, this information can be analyzed and used to inform your small group and one-on-one instruction.

Conferring Questions:

- What does the author believe about this topic? What makes you think that?
- What do you believe about this topic?
- What does the author want you to believe about this topic? How do you feel about that?
- What other perspectives may not be included in this piece? Why have they been omitted?
- How is the author trying to influence you?
- Who is the audience?
- What are you thinking about this topic or idea?
- Whose voice is heard? Whose voice is *not* heard?
- What techniques does the author use to get their message across?
- How has the text challenged or confirmed your thinking about the topic?



Pre-assess	Teach	Check for Understanding	Reteach and Enrich
Pre-assess the unit goal(s) and gather any other available data.	*Select teaching points and instructional delivery models based on the data.*	*Look for evidence of student understanding through ongoing assessments.*	*Differentiate instruction for the learners in your classroom. Information gleaned from this unit can be used to inform the next unit.*

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• Pre-assessment	• Teaching points • Interactive read aloud • Shared reading • Small group work • Reading conferences	• Reading conferences • Anecdotal notes • Running records • Talk • Post assessment	• Focus lesson • Interactive read aloud • Shared reading • Small group work • Reading conferences

Testing Connections

The question stems below are similar to those found on the VDOE SOL practice items and released tests. Consider using the test-question stems during read alouds, shared reading, and small group instruction to help students make connections between what they have learned in this unit and the way test questions may be asked. For more information see the Testing as a Genre unit, which explains specific test-taking strategies and the Throughout the Year reading unit, which contains more information on the best way to incorporate testing language and practice into a unit of study.

Related Test Question Stems
• Which word in paragraph _____ signals a generalization?
• Complete this cause-and-effect chart.
• Which information would best be included in the _____ section?
• Which sentence from the article states a (fact, opinion)?
• What may the reader conclude about _____?
• If the story were told from _____'s point of view, the reader would better understand _____.
• What word from the story comes from the root that means _____?
• In paragraph _____ which way is the word _____ used?
• Which word uses a prefix and suffix?
• Paragraph ___ is written in _____ (organization pattern)?
• The text is mainly about _____.

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Instructional Delivery Models

Teaching Points

Following are possible teaching points to consider when planning this unit of study. The teaching points are grouped by unit goal, but the sequence for teaching those lessons will depend upon the current needs and experiences of your class. Likewise, some of the lessons may stretch over more than one day. You may teach more than one way to do something or need further direction on how to do it. Knowing your students and their needs will guide you in deciding what to teach and how to best teach it. Remember, too, the teaching points below could be used to guide teaching for small groups and one-on-one conferences in addition to whole group contexts.

Readers recognize that media messages (advertisements, radio ads, PSAs, OpEds, blogs, and nonfiction articles) represent beliefs held by the author and groups in a society.	• Readers try to uncover the messages and beliefs represented in a variety of media messages. • Readers look carefully at advertisements and other media messages. • Readers determine the difference between facts and opinions communicated in advertisements and other media messages. • Readers consider potential bias in texts.
Readers take a critical stance while reading, analyzing the author's explicit and *implicit* beliefs and comparing these beliefs to their own.	• Readers consider the author's reason for writing and potential bias that comes from that (*The Reading Strategies Book* 8.20, p. 242). • Readers think about what the author wants others to believe (*The Reading Strategies Book* 8.22, p. 244). • Readers know that beliefs and messages can be hidden, covert, or implicit.
Readers analyze the choices the author makes (structure, language, format) to construct power, position, and perspectives.	• Readers notice who is present and who is absent in the text. • Readers look for subtle ways that authors use to convey a message. • Readers place themselves in relation to the author and the messages of the text.
Readers allow their thinking to be challenged by the perspectives of authors and other readers.	• Readers compare their ideas about issues to author's ideas. • Readers compare the perspective of authors who write about similar subjects and topics to develop their own opinions. • Readers think about important ideas shared in discussions.

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	• Readers think about how their own power, privilege, and position influences their thinking. *(The Reading Strategies Book 8.23, p. 245.)*

Interactive Read-Aloud

Use an interactive read-aloud to reinforce your teaching by modeling the thinking work you do when reading. The prompts below can be used to guide read-alouds, model strategies for your students, and provide stems to deepen their thinking. Students could use these during read aloud, as well as be encouraged to use them independently in order to continue strengthening their ideas.

When planning interactive read-alouds for this unit, select texts that are engaging and powerful examples to support students to take a critical stance about topics. Consider student interests and experiences to find texts that have many opportunities for students to provide their own thinking. More information on planning an interactive read aloud and a planning template are available through these links.

Interactive Read Aloud Example

"Turn it Off!" from *The Comprehension Toolkit*

Suggested Mentor Texts

Short Text Collections	Picture Books
Toolkit Texts: Short Nonfiction for Guided and Independent Practice by Stephanie Harvey and Anne Goudvis	*Smokey Night* by Eve Bunting *The Wall* by Eve Bunting *A Day's Work* by Eve Bunting *Fly Away Home* by Eve Bunting
Websites	

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KidsPost Time for Kids Newsela Scholastic News	*Pink and Say* by Patricia Polacco *Junkyard Wonders* by Patricia Polacco *The Harmonica* by Tony Johnson *The Librarian of Basra* by Jeanette Winter

Think Aloud Prompts	Partner Turn and Talk Prompts
• "This text seems to be about _____. I have always thought _____ about _____. I wonder what the author thinks." • "Right here it says _____, but I know that _____. Why is the author saying this?" • "The author shared his or her opinion when he or she said_____. I agree or disagree because_____." • "I think the author wants me to think _____ because _____." • "The group _____ has more power because _____." • "Based on what the author did, I think _____." • "The author says _____, but did not say _____. I think this was done because _____." • "At first I thought _____, but now I think _____ because _____."	• What do you already know about this topic? What are your beliefs about this topic? • What are the different features (colors, pictures, etc.) making you think and/or feel? • What do you think the author wants you to buy, think or do? • What ideas is the author telling you? • What hints are the text features (headlines, captions, etc.) giving you about the author's opinion? • What do you think the author wants you to think or feel about this topic? • Whose position is present? Whose is absent? • Does one group of people seem to have more power? What does that make you think and feel about this issue? • Why does this author include one perspective and omit others? • What about you? Do you agree with this author? Why? • How is your thinking being challenged as you read this text? • What new understandings are you developing as you read this text?

AAP Tier 1 Access to Rigor

- Reading Above Bookmarks (Google Slides)

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- The Reading Above Bookmarks (eCART resource) provide sample questions that can be incorporated into book clubs. Teachers can teach meaningful conversation moves so that club members may engage in deep conversations around these questions and the text. Students are encouraged to build on these questions and create questions of their own.

- **William and Mary Persuasion Unit (Publisher Website)**
  - Lesson 8: Reasoning (2nd ed., pages 105-110)
  - **Lesson 9**: Persuasion in Historical Documents (2nd ed., pages 111-118)
  - **Lesson 19**: Persuasion in Advertising (2nd ed., pages 168-170)
- **Tier 1 Access to Rigor - Q2** (eCART PDF)
  - For additional Tier 1 Access to Rigor Resources, please refer to the **Tier 1 Access to Rigor Document** (eCART PDF) and the **AAP Tier 1 Access to Rigor Google Site**.

Considerations for English Learners

In this unit, students are asked to use language to **analyze** and **synthesize**.

- To analyze, students will use language to separate concepts and ideas into parts, identify relationships and patterns, and find evidence to support generalizations. Example from unit 4: *"After looking at these advertisements from the 1970s, I can see that there were very clear ideas about what men and women should do."*
- To synthesize, students will use language to combine or integrate ideas to form a new whole. *Example from Unit 4: "Based on the discussion I've had with my classmates, I see how different representations in the media can affect my views of the roles of men and women."*

Tier 1 Scaffolds and Supports

This section contains scaffolds and supports for all students, including English learners and students with disabilities. These challenges can be addressed within whole group, small group, or in a one-on-one conference. Tier 1 Supports and Scaffolds for all learners provides general differentiation ideas that can be used when planning instruction.

These challenges can be addressed within whole group, small group, or in a one-on-one conference.

If students…	Then…
• Are passive consumers of text	• Find a text with which students will disagree or find a text that is blatantly not true. Discuss the text with them and how important it is to question what is read.

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	• Teach students to mark the text, identifying parts of the text in which the author states an opinion or presents a position. • Model developing, revising, interpreting, and sharing ideas with others. Encourage students to read with a sense of questioning as they encounter new topics.
• Are hesitant to express an opinion that differs from the author or another student	• Consider whether this work feels threatening because of the student's background and encourage the student to engage with topics that may be less emotionally charged. • Show the student examples from mentor texts or electronic resources in which a person expresses a different opinion.
• Have difficulty being accepting of others' ideas and opinions	• Revisit classroom routines and expectations for maintaining a safe climate for all voices.
• Have limited English and need support to express their ideas	• Consider partnering a beginning English speaker with two fluent readers to make a reading trio (instead of partnership) so that there are two models of fluent English reading for the English Learner.
• Struggle with understanding aspects of critical literacy	• Help students access texts in different formats in order to help them focus intensely on the critical literacy work. Using myON or Tumble Books supports students who might be struggling. • Use sentence scaffolds or graphic organizers to help students focus on aspects of critical literacy. • Create individual charts of teaching points or strategy lessons for students to keep in their reading notebooks. Consider using visual supports to assist students in understanding the common language of this unit.

Resources

The following resources are available for you to use in conjunction with the teaching points and lesson examples included above.

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Electronic Resources
Word Study: Phonics, Spelling, and Vocabulary Progression Chart

Print Resources
Getting Beyond "I Like the Book": Creating Space for Critical Literacy in K-6 Classrooms, 2nd ed. by Vivian Vasquez.
Argument and Advocacy: Researching Debatable Issues Grade 5 Unit 3 from Units of Study for Teaching Reading by Lucy Calkins, et.al.
If…Then…Curriculum, Grades 3-5 "Social Issues Book Clubs: Applying Analytical Lenses Across Literature and Informational Texts" pp.94-116 from Units of Study for Teaching Reading by Lucy Calkins, et.al.
Language and the Design of Texts by Hillary Janks

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source: VDOE Curriculum Framework

AAHEC Technical Edits for USII		
Standard	**Original Language**	**Language in Current VDOE Curriculum Framework**
USII.1g		• Create a timeline that illustrates the role of Jim Crow (segregation) laws in the 20th century and how those laws restricted the rights, economic decision-making, and choices of African Americans
USII.2b	Examples of manufacturing areas • Textile industry: New England	Examples of manufacturing areas • Textile industry: New England • Hair Care & Cosmetics industry: St. Louis
USII.3a	Basic provisions of the amendments • The 13th Amendment bans slavery, in the United States and all of its territories.	Basic provisions of the amendments • The 13th Amendment bans slavery, except for felonies, in the United States and all of its territories
USII.3a	Although these three amendments guarantee equal protection under the law for all citizens, American Indians and women did not receive the full benefits of citizenship until later	Although these three amendments guarantee equal protection under the law for all citizens, American Indians and women of all races, ethnicities, and nationalities did not receive the full benefits of citizenship until many generations later.
USII.3b	The Reconstruction policies were harsh and created problems in the South. Reconstruction attempted to define the means by which all Southerners could live together equally.	~~The Reconstruction policies were harsh and created problems in the South. Reconstruction attempted to define the means by which all Southerners could live together equally.~~ Reconstruction attempted to create legal equality for free and formerly enslaved African Americans. The Amendments to the Constitution during Reconstruction laid the legal foundation for the equality of all Americans, which we continue to pursue.
USII.3b	Essential Knowledge **Reconstruction policies and problems** • Southern military leaders could not hold office. • African Americans could hold public office. • African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for its enforcement. • Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. • Federal troops supervised the South. • The Freedmen's Bureau was established to aid former enslaved African Americans in the South. • Southerners resented Northern "carpetbaggers," some of	Essential Knowledge **Reconstruction policies and problems** • ~~Southern military leaders could not hold office.~~ • ~~African Americans could hold public office.~~ • ~~African Americans gained equal rights as a result of the Civil Rights Act of 1866, which also authorized the use of federal troops comprised mainly of Northern soldiers for its enforcement.~~ • The Freedmen's Bureau was established to aid former enslaved African Americans in the South. • Southern states adopted Black Codes to limit the economic and physical freedom of former slaves. • After the adoption of the Reconstruction laws, former Confederates states could not be readmitted to the United States until they held conventions

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	whom took advantage of the South during Reconstruction.	to write new constitutions that adopted the 14th Amendment • African American men could vote for delegates to those conventions and serve as delegates • Federal troops supervised the South. • ~~The Freedmen's Bureau was established to aid former enslaved African Americans in the South.~~ • ~~Southerners resented Northern "carpetbaggers," some of whom took advantage of the South during Reconstruction.~~ • The state governments under Reconstruction adopted laws to create public education and new state institutions • Most white Southerners resisted the Reconstruction governments and worked to replace them as soon as possible • One state after another came under the control of the Democrats in the early 1870s
USII.3b	**End of Reconstruction and its impact** • Reconstruction ended in 1877 as a result of a compromise over the outcome of the election of 1876 • Federal troops were removed from the South. • Rights that African Americans had gained were lost through "Jim Crow" laws • "Jim Crow" laws affected the rights of American Indians.	End of Reconstruction and its impact • Reconstruction ended in 1877 as a result of a compromise over the outcome of the election of 1876 and troops were removed from the final states still under Reconstruction governments. • ~~Federal troops were removed from the South.~~ • Rights that African Americans had gained were lost through "Jim Crow" laws that segregated black and white Southerners from one another. • Starting in 1890, every Southern state wrote new constitutions that prevented African American men from voting • ~~"Jim Crow" laws affected the rights of American Indians.~~
USII.3c	**Abraham Lincoln** • Issued Reconstruction plan calling for reconciliation • Believed preservation of the Union was more important than punishing the South	**Abraham Lincoln** • His plan for ~~Issued~~ Reconstruction was not fully formed at the time of his assassination in April 1865 ~~plan calling for reconciliation~~ • Sought to reconstruct the nation by bringing Southern states back into the Union when 10 percent of voters accepted the end of slavery and reunion • The resistance of white Southerners to the rights of formerly enslaved people, in Black Codes and violence, led Lincoln's party to begin a more thorough Reconstruction two years after the war's end ~~Believed preservation of the Union was more important than punishing the South~~
USII.3c	**Robert E. Lee** • Urged Southerners to reconcile with Northerners at the end of the war and reunite as Americans when some wanted to continue to fight	**Robert E. Lee** • Urged Southerners to reconcile with Northerners at the end of the war and reunite as Americans when some wanted to continue to fight • Remained silent as laws to create equality for African Americans were proposed and did not encourage white Southerners to cooperate • Died in 1870 before Reconstruction was fully in place • After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the

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		Confederacy as fighters for a just cause rather than the creation of a new nation based on slavery
USII.3c	**Frederick Douglass** • Fought for adoption of constitutional amendments that guaranteed voting rights • Was a powerful voice for human rights and civil liberties for all	**Frederick Douglass** • Fought for adoption of constitutional amendments that guaranteed voting rights • Was a powerful voice for human rights and civil liberties for all until his death in 1895
USII.4a	**Essential Understandings** New opportunities and technological advances led to westward migration following the Civil War. Westward expansion had an impact on the lifestyle of American Indians.	Essential Understandings New opportunities, population growth, and technological advances led to westward migration following the Civil War. Westward expansion destroyed ways of life that American Indians had practiced for centuries and dispossessed them from their homes. ~~had an impact on the lifestyle of American Indians.~~
USII.4a	**Reasons for increase in westward expansion** • Opportunities for land ownership • Technological advances, including the Transcontinental Railroad • Possibility of obtaining wealth, created by the discovery of gold and silver • Desire for adventure • Desire for a new beginning for former enslaved African Americans	**Reasons for increase in westward expansion** • Land was enabled by the Homestead Act passed during the Civil War, giving 160 acres to those who settled the land ~~Opportunities for land ownership~~ • Technological advances, including the Transcontinental Railroad • Possibility of obtaining wealth, created by the discovery of gold and silver • Desire for adventure • Desire for a new beginning for former enslaved African Americans • Immigration of workers from China who built much of the Transcontinental Railroad • Escape from cyclical poverty and white intimidation and violence
USII.4b	Essential Knowledge Reasons for the increase in immigration • Hope for better opportunities • Desire for religious freedom • Escape from oppressive governments • Desire for adventure **Efforts to solve immigration problems**	Essential Knowledge Reasons for the increase in immigration • Hope for better opportunities • Desire for religious freedom • Escape from oppressive governments • ~~Desire for adventure~~ **Efforts to solve immigration ~~problems~~ challenges**
USII.4b	**Challenges faced by cities** • Tenements and ghettos • Political corruption political machines	**Challenges faced by cities** • Tenements and ghettos • Political corruption led by political machines
USII.4c	**Essential Knowledge** **Racial segregation**	**Essential Knowledge Racial ~~segregation~~ discrimination** • ~~Based upon race~~

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	• Based upon race • Directed primarily against African Americans, but other groups also were kept segregated • Chinese Exclusion Act (1882) provided an absolute 10-year moratorium (halt) on Chinese labor immigration • American Indians were not considered citizens until 1924	• ~~Directed primarily against African Americans, but other groups also were kept segregated~~ • Chinese Exclusion Act (1882) provided an absolute 10-year moratorium (halt) on Chinese labor immigration • American Indians were not considered citizens until 1924 and were restricted to reservations or forced to identify as African American if they were not on reservations.
USII.4c	**"Jim Crow" laws** • Also known as "Jim Crow" laws, named after a black character in minstrel shows • assed to discriminate against African Americans • Made discrimination practices legal in many communities and states • Were characterized by unequal opportunities in housing, work, education, and government • Upheld by the Supreme Court in *Plessy v. Ferguson*	**Racial Segregation** **~~"Jim Crow" laws~~** • Also known as "Jim Crow" laws, named after a black character in minstrel shows, passed to discriminate against African Americans by forcing them into separate public accommodations • Made discrimination practices legal in many communities and states • Were characterized by unequal opportunities in housing, work, education, and government • Accompanied by laws to prevent African American from voting, called disenfranchisement • Upheld by the Supreme Court in Plessy v. Ferguson in 1896
USII.4c		Lynching • Was the illegal killing of people by gangs of violent vigilantes • Occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South • Was meant to intimidate African Americans from asserting themselves in any way, including politically • Were often conducted publicly and with the cooperation of law enforcement • Grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed
USII.4c	**African American responses** • Booker T. Washington: Believed equality could be achieved through vocational education; accepted social segregation • W.E.B. DuBois: Believed in full political, civil, and social rights for African Americans and founded the National Association for the Advancement of Colored People (NAACP) along with Ida B. Wells-Barnett	African American responses • Booker T. Washington: Believed equality could be achieved through vocational education; accepted social segregation while secretly working against discriminatory laws • W.E.B. DuBois: Believed in full political, civil, and social rights for African Americans and founded the National Association for the Advancement of Colored People (NAACP) along with Ida B. Wells-Barnett • Ida B. Wells-Barnett fought against lynching and the many other injustices suffered by African Americans, publicizing the lynchings in newspaper articles and other writings
USII.4d	Rise of big business led by captains of industry • Captains of industry (John D. Rockefeller, oil; Andrew	**Rise of big business led by captains of industry** • Captains of industry (John D. Rockefeller, oil; Andrew Carnegie, steel;

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	Carnegie, steel; Cornelius Vanderbilt, shipping and railroads; J.P. Morgan, banking)	Cornelius Vanderbilt, shipping and railroads; J.P. Morgan, banking) • Also known as “robber barons,” widely criticized at the time for their fights against unions and regulation
USII.4d	**Factors that promoted industrial growth in America** • Access to raw materials and energy sources • Large workforce (due to immigration) • New inventions • Financial resources	**Factors that promoted industrial growth in America** • Access to raw materials and energy sources • Internal migrations of blacks and whites from rural regions to urban centers • Large workforce (due to immigration) • New inventions • Financial resources
USII.4d	**Postwar changes in farm and city life** • Mechanization (e.g., the reaper) reduced farm labor needs and increased production. • Industrial development in cities created increased labor needs • Industrialization provided new access to consumer goods (e.g., mail order).	**Postwar changes in farm and city life** • Mechanization (e.g., the reaper) reduced farm labor needs and increased production. • Industrial development in cities created increased labor needs • Industrialization provided new access to consumer goods (e.g., mail order). • Emergence of labor unions that barred African Americans • Formation of the Brotherhood of Sleeping Car Porters and Maids
USII.4e	Women’s suffrage movement • Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, and Lucy Burns worked for women’s suffrage. • The movement led to increased educational opportunities for women. • Women gained the right to vote with passage of the 19th Amendment to the Constitution of the United States.	Women’s ~~suffrage~~ movement • Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, and Lucy Burns worked for women’s suffrage. • The movement led to increased educational opportunities for women. • Women gained the right to vote with passage of the 19th Amendment to the Constitution of the United States. • The settlement houses were established to assist women and children as they moved from rural to urban areas (Hull House, Phyllis Wheatley YWCA).
USII.5a	**Essential Knowledge Reasons for the Spanish-American War** • Protection of American business interests in Cuba • American support of Cuban rebels to gain independence from Spain • Rising tensions between Spain and the United States as a result of the sinking of the USS Maine in Havana Harbor • Exaggerated news reports of events (yellow journalism)	**Essential Knowledge Reasons for the Spanish-American War** • Protection of American business interests in Cuba • American support of Cuban rebels to gain independence from Spain • Rising tensions between Spain and the United States as a result of the sinking of the USS Maine in Havana Harbor • African American troops participated in the Spanish American War although their contributions were ignored. An example was the credit the Rough Riders were given in taking San Juan Hill when it was the 24th Infantry and the 9th and 10th Cavalry units that helped to take the hill. • Exaggerated news reports of events (yellow journalism)
USII.5c		**African Americans in WWI** • The 369th Infantry Regiment, formerly known as the 15th New York

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		National Guard Regiment ("Harlem Hellfighters") distinguished themselves during the war • WWI was the first war in which the U.S. Navy was segregated (African American men relegated to corpsmen or messmen)
USII.6a	**Ways electrification changed American life** • Labor-saving products (e.g., washing machines, electric stoves, water pumps) • Electric lighting • Entertainment (e.g., radio) • Improved communications	**Ways electrification changed American life** • Labor-saving products (e.g., washing machines, electric stoves, water pumps) • Traffic lights • Refrigerated train cars • Electric lighting • Entertainment (e.g., radio) • Improved communications
USII.6b	**Great Migration north and west** • Jobs for African Americans in the South were scarce and low paying. • African Americans faced discrimination and violence in the South. • African Americans moved to cities in the North and Midwest in search of better employment opportunities. • African Americans also experienced discrimination and violence in the North and Midwest. Great Migration north and west	**Great Migration north and west** • Jobs for African Americans in the South were scarce and low paying. • African Americans faced discrimination and violence in the South. • World War I created opportunities for African Americans when immigration from Europe stopped and the needs of the military suddenly increased • African Americans moved to cities in the North and Midwest in search of better employment opportunities. • African Americans also experienced discrimination and violence in the North and Midwest, but enjoyed greater opportunities than in the South
USII.6c	**Essential Knowledge** **Cultural climate of the 1920s and 1930s** • Art: Georgia O'Keeffe, an artist known for urban scenes and, later, paintings of the Southwest • Literature: F. Scott Fitzgerald, a novelist who wrote about the Jazz Age of the 1920s; John Steinbeck, a novelist who portrayed the strength of poor migrant workers during the 1930s; • Music: Aaron Copland and George Gershwin, composers who wrote uniquely American music **Harlem Renaissance** African American artists, writers, and musicians based in Harlem revealed the freshness and variety of African American culture: • Art: Jacob Lawrence, a painter who chronicled the experiences of the Great Migration through art • Literature: Langston Hughes, a poet who combined the experiences of African and American cultural roots • Music: Duke Ellington and Louis Armstrong, jazz musicians; Bessie Smith, a blues singer	**Essential Knowledge** **Cultural climate of the 1920s and 1930s** • Art: Georgia O'Keeffe, an artist known for urban scenes and, later, paintings of the Southwest • Literature: F. Scott Fitzgerald, a novelist who wrote about the Jazz Age of the 1920s; John Steinbeck, a novelist who portrayed the strength of poor migrant workers during the 1930s; Jessie Redmon Fauset, a novelist of the Harlem Renaissance; Zora Neale Hurston cultural anthropologists , Langston Hughes poet, novelist, and playwright; Countee Cullen poet of the Harlem Renaissance • Music: Aaron Copland and George Gershwin, composers who wrote uniquely American music • Art: Jacob Lawrence, a painter who chronicled the experiences of the Great Migration through art • Literature: Langston Hughes, a poet who combined the experiences of African and American cultural roots • Music: Duke Ellington and Louis Armstrong, jazz musicians; Bessie Smith, a blues singer

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		Harlem Renaissance African American artists, writers, and musicians based in Harlem revealed the freshness and variety of African American culture:
USII.6d	**Impact on Americans** ● A large number of banks closed, and other businesses failed. ● One-fourth of workers were without jobs. ● Large numbers of people were hungry and homeless. ● Farmers' incomes fell to low levels.	**Impact on Americans** ● A large number of banks closed, and other businesses failed. ● One-fourth of workers were without jobs. ● Large numbers of people were hungry and homeless. ● African Americans were disproportionately impacted by the Great Depression and they were discriminated against when New Deal agencies were created, both in hiring, pay, and access. ● Farmers' incomes fell to low levels.
USII.7b	**Essential Understandings** Despite initial Axis success in both Europe and the Pacific, the Allies persevered and ultimately defeated Germany and Japan. The Holocaust is an example of prejudice, discrimination, and genocide.	**Essential Understandings** Despite initial Axis success in both Europe and the Pacific, the Allies persevered and ultimately defeated Germany and Japan. The Holocaust is an example of prejudice, discrimination, and genocide that targeted Jews and other groups.
USII.7b	**The Holocaust** ● Imprisonment and killing of Jews and others in concentration camps and death camps	**The Holocaust** ● Imprisonment and killing of millions of Jews and others in concentration camps and death camps
USII.7c	**Essential Knowledge** ● American involvement in World War II brought an end to the Great Depression. Factories and workers were needed to produce goods to win the war. ● Thousands of American women (e.g., Rosie the Riveter) took jobs in defense plants during the war. ● Americans at home supported the war by conserving and rationing resources (e.g., victory gardens, ration books, scrap drives). ● The need for workers temporarily broke down some racial barriers (e.g., hiring in defense plants), although discrimination against African Americans continued. ● While many Japanese Americans served in the armed forces, others were treated with distrust and prejudice, and many were forced into internment camps in the United States.	**Essential Knowledge** ● American involvement in World War II brought an end to the Great Depression. Factories and workers were needed to produce goods to win the war. ● More than 125,000 African Americans fought for the United States. ● The Tuskegee Airmen and other units became famous for their valor and skill ● Thousands of American women (e.g., Rosie the Riveter) took jobs in defense plants during the war. ● African American men and women worked in the industries that supported the Allied war effort ● Americans at home supported the war by conserving and rationing resources (e.g., victory gardens, ration books, scrap drives). ● The need for workers temporarily broke down some racial barriers (e.g., hiring in defense plants), although discrimination against African Americans continued. ● The service of African Americans in the war, especially against the racist Nazis, encouraged them to press for their rights in the United States. ● While many Japanese Americans served in the armed forces, others were treated with distrust and prejudice, and more than one hundred thousand ~~many~~ were forced into internment camps in the United States.

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		• Despite their commitment and service, African American remained segregated in the armed forces until President Harry Truman desegregated the armed forces in 1948 during the Korean Conflict.
USII.8d	**Essential Knowledge** **Factors leading to changing patterns in United States society** • Large number of women entering the labor force • Expansion of human rights • African Americans' aspirations for equal opportunities;	**Essential Knowledge** **Factors leading to changing patterns in United States society** • Large number of women entering the labor force • Increased urbanization and expansion of cities, resulting in a housing boom, which did not largely benefit African Americans. • Expansion of human rights • African Americans' aspirations for equal opportunities; they pushed to end all forms of segregation and discrimination against them.
USII.8d	**Policies and programs expanding educational and employment opportunities** • The G.I. The Bill of Rights gave educational, housing, and employment benefits to veterans.	**Policies and programs expanding educational and employment opportunities** • The G.I. The Bill of Rights gave educational, housing, and employment benefits to veterans. The GI bill enabled many to enter professions, such as medicine, law, and academics.
USII.9a	**Essential Knowledge** **Some effects of segregation** • Separate educational facilities and resources • Separate public facilities (e.g., restrooms, drinking fountains, restaurants) • Segregated and disadvantaged neighborhoods Social isolation and residential segregation	**Essential Knowledge** **Some effects of segregation** • Separate and unequal educational facilities and resources • Separate and unequal public facilities (e.g., restrooms, drinking fountains, restaurants)
USII.9a	• Social isolation and residential segregation	• Segregated and disadvantaged neighborhoods ~~Social isolation and residential segregation~~ • Exclusion from well-paying jobs • Undermining of wealth building by low property values in segregated neighborhoods • Unpunished violence against African Americans
USII.9a	**Civil Rights Movement** • Opposition to *Plessy v. Ferguson*: "Separate but equal" • Desegregation of schools • Martin Luther King, Jr.: Passive resistance against segregated facilities; "I have a dream…" speech • Rosa Parks: Montgomery bus boycott • Organized protests, Freedom Riders, sit-ins, marches, boycotts	**Civil Rights Movement** • Opposition to *Plessy v. Ferguson*: "Separate but equal" • Student walkout of 1951 at Moton High School led by Barbara Johns • *Brown v. Board of Education*: Desegregation of schools • Killing of Emmett Till in Mississippi became a national scandal because of the photographed open casket • Martin Luther King, Jr.: Passive resistance against segregated facilities; "I have a dream…" speech • Rosa Parks: Montgomery bus boycott

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		• Organized protests, Freedom Riders, sit-ins, marches, boycotts • Bombing of churches and homes by white opponents of the Civil Rights movement
USII.9d	**Immigration** • Changing immigration policies • More people try to immigrate to the United States than are allowed by law	**Immigration** • Changing immigration policies • More people try to immigrate to the United States than are allowed by law although many policies still included racial limitations

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source: AAHEC Final Report

Crosswalk of Technical Edits for VA/US History

Overview

Explore the crosswalk. In the fourth column of the table, document what you notice about specific changes to the course, reminders for later, ideas for integration to current units/activities etc. Also, a collection of resources supporting the changes are found below.

Standard	2015 Standards - Original Language (A blank section means the information is new and not a revision).	2020 Standards - AAHEC Approved Edits (Highlighted sections are additional edits made to the FCPS POS)	Teacher, Team, and Department Notes for Teaching US History
VUS.1e	the impact of external influences (e.g., economy, social concerns).	the impact of internal, external influences (e.g., economy, social concerns).	
VUS.1h	Use a cost-benefit analysis chart: • The rise of women's participation in labor unions led to increased activism for pay equity, maternity leave, and childcare. • Married women's labor participation rose after World War II as public opinion slowly started to change as a result of their success during the war.	Use a cost-benefit analysis chart: • The rise of women's participation in labor unions led to increased activism for pay equity, maternity leave, and childcare. This did not apply to domestic workers, many of whom were African Americans. • Married white women's labor participation rose after World War II as public opinion slowly started to change as a result of their success during the war. African American women were already working outside of the home.	
VUS.1j	Andrew Jackson: Did he promote or hinder democracy? Cotton gin: Good or bad for the United States?	Andrew Jackson: Did he promote or hinder democracy? ~~Cotton gin: Good or bad for the United States?~~	

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VUS.2a		The Virginia House of Burgesses wrote the Virginia Slave Codes. All of the English colonies established slavery between the period of their founding or no later than the 1750s. Each of the colonial governments used Virginia's Slave Codes as a model for restricting the rights of free blacks and for the treatment of enslaved people.	
VUS.2b	Interactions among American Indians, Europeans, and Africans • The first Africans were brought against their will to Virginia, in 1619 to work on plantations . The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led an enslaved labor force. • This system eventually led to the introduction of African slavery in British North America.	Interactions among American Indians, Europeans, and Africans • The first Africans were brought against their will to Old Point Comfort (Fort Monroe), Virginia, in 1619 to work on plantations, were taken from the Ndongo which is modern-day Angola . The growth of an agricultural and mercantile economy based on large landholdings in the Southern colonies and in the Caribbean, and trade in the New England colonies, led wealthy English colonists to adopt an enslaved labor force despite their fear of bringing an alien people into the colony. ~~This system eventually led to the introduction of African slavery in British North America.~~ • English colonization and enslavement were parts of an interconnected system of domination across the Atlantic world. By the time of English settlement in North America, a vast network of chattel slavery had long shipped enslaved people from African ports to plantations and mines in South America and the Caribbean.	

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		• The first African people brought to British North America had been seized from slave-trading ships by pirates, who then brought "twenty and odd" Africans to trade for food in Virginia. British North America would remain on the margins of the Atlantic slave trade, importing six percent of all enslaved Africans brought to the New World, and yet enslavement would grow in importance over the decades after 1619.	
VUS.2b		Virginia's English colonists struggled to adapt Atlantic slavery to their law, culture, and religion. Over the half century after 1619, white Virginians made those adaptations so that by the 1660s racial slavery had been firstly established. Conversion to Christianity would not free people from bondage and any child born to an enslaved woman was claimed as the property of the people who held title to her.	
VUS.3a	Economic characteristics of the colonial period private ownership of property characterized colonial life everywhere,	Economic characteristics of the colonial period Private ownership of property characterized colonial life everywhere, although these practices were guided by racism. The practice of ownership included the enslavement of human beings as chattel.	
VUS.3b	New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts.	New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. Both colonies established a system of enslavement that included	

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		both Africans and Native Americans	
VUS.3b	**Social characteristics of the colonies** • New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. • The middle colonies were home to multiple religious groups who generally believed in religious tolerance, including Quakers in Pennsylvania, Huguenots and Jews in New York, and Presbyterians in New Jersey. These colonies had more flexible social structures and began to develop a middle class of skilled artisans, entrepreneurs (business owners), and small farmers. • Virginia and the other Southern colonies had a social structure based on family status and the ownership of land.	**Social characteristics of the colonies** • New England's colonial society was based on religious standing. The Puritans grew increasingly intolerant of dissenters who challenged their belief in the connection between religion and government. Rhode Island was founded by dissenters fleeing persecution by Puritans in Massachusetts. Both colonies established a system of enslavement that included both Africans and Native Americans. • The middle colonies were home to multiple religious groups who generally believed in religious tolerance, including Quakers in Pennsylvania, Huguenots and Jews in New York, and Presbyterians in New Jersey. These colonies had more flexible social structures for the European immigrants and began to develop a middle class of skilled artisans, entrepreneurs (business owners), and small farmers. For Africans and Native Americans, the environment included enslavement and racial intolerance. • Virginia and the other Southern colonies had a social structure based on family status and the ownership of land and increasingly, enslaved people	
VUS.3b	**Political life in the colonies** • New England colonies used town	**Political life in the colonies** • New England colonies used town	

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	meetings (an Athenian direct democracy model) in the operation of government.	meetings ~~(an Athenian direct democracy model)~~ in the operation of government. • The first court case that began the process of enslaving Africans was John Punch in 1640.	
VUS.3c	Essential Understandings American colonial reliance on a cheap, eventually conflicted with the founding principles established in the Declaration of Independence. **Essential Knowledge** **The development of indentured servitude and slavery** • Although all American colonies adopted African slavery as their primary non-free labor system, the growth of a plantation-based agricultural economy in the hot, humid coastal lowlands of the Middle and Southern colonies required a cheap labor source on a large scale.. • Some of the labor needs, especially in Virginia in were met by indentured servants, who were often poor persons from England, Scotland, or Ireland who agreed to work on plantations for a period of time in return for their passage from Europe or relief from debts.	Essential Understandings American colonies relied ~~colonial reliance~~ on ~~a cheap~~, enslaved labor force transported from Africa and the Caribbean. ~~eventually conflicted with the founding principles established in the Declaration of Independence.~~ **Essential Knowledge** **The development of indentured servitude and slavery** • Although all American colonies adopted African slavery as their primary non-free labor system, the growth of a plantation-based agricultural economy in the hot, humid coastal lowlands of the Middle and Southern colonies depended on ~~required~~ a cheap labor source on a large scale. • The growth of a plantation-based agricultural economy in the hot humid coastal lowlands developed into a system that depended heavily on a large enslaved labor force to maximize profits for the wealthiest landowners who represented a small percentage of the population. Slave traders sought out people from parts of Africa, now known	

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	• Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger and larger numbers of enslaved Africans were forcibly brought to the American colonies via the Middle Passage. • The development of a slavery-based agricultural economy in the Southern colonies eventually led to conflict between the North and South in the American Civil War.	as Senegal and Gambia, who were known for their knowledge about rice cultivation to be sold as slaves. • Some of the labor needs, especially in Virginia in early decades of settlement, were met by indentured servants, who were often poor persons from England, Scotland, or Ireland who agreed to work on plantations for a period of time in return for their passage from Europe or relief from debts. • Although some Africans worked as indentured servants, earned their freedom, and lived as free citizens during the colonial era, over time larger and larger numbers of enslaved Africans were forcibly brought to the American colonies via the Middle Passage. • British North America developed the only enslaved society in the New World that biologically reproduced itself because of moderate climate and crops that did not repay working enslaved people to the point of death, as they were in sugar colonies and mines elsewhere in the Western Hemisphere. As a result, the enslaved population of British North America would grow into the largest in the New World by the early nineteenth century. ~~The development of a slavery-based agricultural economy in the Southern colonies eventually led to conflict between the North and South in the American Civil War.~~	

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VUS.4c		**Differences among the colonists** Enslaved People ● Many of the people held in slavery sought to use the war to pursue their own freedom. ● Ten thousand African Americans fought with the British against the white colonists who held them in slavery.	
VUS.4e		**The Declaration of Independence** ● The Declaration of Independence blamed the English for the growing system of African slavery that dominated the economies of the Southern	
VUS.5b	**Key issues and their resolutions** Appeased the Southern states by counting slaves as three-fifths of the population when determining representation in the United States House of Representatives. Avoided a too-powerful central government by establishing three co-equal branches (legislative, executive, judicial) with numerous checks and balances among them providing for separation of powers	**Key issues and their resolutions** Appeased the Southern states by counting slaves as three-fifths of the population when determining representation in the United States House of Representatives while avoiding mention of slavery by name. Established ~~Avoided a too-powerful central government by establishing~~ three co-equal branches (legislative, executive, judicial) with numerous checks and balances among them providing for separation of powers	
VUS.6a		**Early stages of territorial expansion** ● White settlers had fought against	

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		indigenous peoples from the first months of their arrival across the generations that followed. • American governments wrote treaties with many indigenous peoples that were frequently broken. • The rapid expansion of the white population disturbed the economies and cultures of the indigenous peoples in every part of North America. Settlers frequently pushed illegally on to lands controlled by the American Indians.	
VUS.6a	**Impact on the American Indians** • During this period of westward migration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers • They were either forced to march far away from their homes (the Trail of Tears, when several tribes were relocated from Atlantic Coastal states to present-day Oklahoma) or confined to reservations. .	**Impact on the American Indians** • During this period of westward migration, American Indians were repeatedly defeated in violent conflicts with settlers and soldiers. ~~and~~ • In the 1830s, the Native people were forcibly removed from their ancestral homelands. They were either forced to march far away from their homes (the Trail of Tears, when Cherokee, Choctaw, Chickasaw, Creek, and Seminole peoples ~~several tribes~~ were relocated from ~~Atlantic Coastal states~~ the South to present-day Oklahoma) or confined to reservations. • The forced migrations led to the deaths of up to a third of the Native people forced to move with inadequate supplies and protection.	

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VUS.6b		The acquisition of Texas created a vast new area for the expansion of slavery. White Southerners flooded into Texas and imported hundreds of thousands of enslaved people from the older states of the South	
VUS.6c		**Economic impact of the War of 1812** ● the rapid expansion of slavery into lands taken from American Indians	
VUS.6d	**Essential Understandings** Although the Age of Jackson led to an increase in democracy, political tensions and nativist tendencies impacted the American political climate **The "Age of the Common Man"** Universal manhood suffrage increased the electorate. **Emergence of new political parties** ● Whigs ○ organized in opposition to the	**Essential Understandings** Although the Age of Jackson led to an increase in democracy for white men, his party led the effort to drive the American Indians of the South from their homes and opposed the abolitionists. ~~political tensions and nativist tendencies impacted the American political climate.~~ **Essential Knowledge** Most abolitionists considered the political system too corrupt and in the service of the slave South to be of use, Jackson's party led the effort to drive the American Indians of the South from their homes and opposed the abolitionists **The "Age of the Common Man"** Universal white manhood suffrage increased the electorate. **Emergence of new political parties** ● Whigs	

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	Democratic Party. ● Know-Nothings were ○ organized in opposition to continued immigration by Irish and German immigrants.	○ organized in opposition to the Democratic Party. ○ arose in opposition to Andrew Jackson and supported temperance and the use of the government for economic development. ○ supported temperance and the use of the government for economic development. ● Know-Nothings were ○ organized in opposition to continued immigration by Irish and German immigrants.. ○ ~~" The Know-Nothings were the first of a series of political efforts to oppose immigration and immigrants."~~ **FCPS CHANGED TO** ○ " The Know-Nothings used politics to oppose immigration and immigrants." This VDOES edit misses that the Alien and Sedition Acts were passed by Congress in the 1790s meaning the Know-Nothing's efforts were not "the first." ○ Most abolitionists considered the political system too corrupt and in the service of the slave	

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		South to be of use	
VUS.6e	**Essential Understandings** As the nation struggled to resolve sectional issues, compromises were developed to defuse a series of political crises	**Essential Understandings** As the nation struggled to resolve sectional issues over the future of slavery, compromises were developed to defuse a series of political crises	
VUS.6e	**Sectional tensions caused by competing economic interests** ● The industrial North favored high protective tariffs to protect Northern manufactured goods from foreign competition. ● The agricultural South opposed high tariffs that made the price of imports more expensive.. **Sectional tensions caused by debates over the nature of the Union** ● A union that allowed state governments to invalidate acts of the national legislature could be dissolved by states seceding from the Union in defense of slavery (Nullification Crisis).. **Sectional tensions caused by the institution of slavery** ● Slave revolts in Virginia, led by	**Sectional tensions caused by competing economic interests** ● The ~~industrial~~ North favored high protective tariffs to protect Northern manufactured goods from foreign competition. ● The plantation-based ~~agricultural~~ South opposed high tariffs that made the price of imports more expensive. Slavery expanded west with great speed, dominating one new state after another from the east coast to Texas and Arkansas. **Sectional tensions caused by debates over the nature of the Union** ● A union that allowed state governments to invalidate acts of the national legislature could be dissolved by states seceding from the Union in defense of slavery (Nullification Crisis). South Carolina leaders sought to check the power of the federal government, which	

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	Nat Turner and Gabriel Prosser, fed white Southerners' fears about slave rebellions and led to harsh laws in the South against fugitive slaves. Southerners who favored abolition were intimidated into silence. ● Northerners, led by William Lloyd Garrison, publisher of *The Liberator*, increasingly viewed the institution of slavery as a violation of Christian principles and argued for its abolition. Southerners grew alarmed by the growing force of the Northern response to the abolitionists **The women's suffrage movement** Seneca Falls Declaration	they feared might interfere with slavery's expansion. **Sectional tensions caused by the institution of slavery** ● Slave revolts in Virginia, led by Gabriel (Prosser) in 1800 and Nat Turner ~~and Gabriel Prosser~~ in 1831, fed white Southerners' fears about slave rebellions and led to severe restrictions on privileges for free blacks and harsh laws in the South against fugitive slaves. Southerners who favored abolition were intimidated into silence. ● Abolitionists ~~Northerners~~, led by William Lloyd Garrison, publisher of *The Liberator*, increasingly viewed the institution of slavery as a violation of Christian principles and argued for its abolition. Southerners grew alarmed by the growing force of the Northern response to the abolitionists. Although abolitionists accounted for only two percent of the northern population, they won a great deal of attention and animosity in the North, as well as the South. **The women's suffrage movement** Seneca Falls Declaration of 1848	
VUS.6f	**Essential Understandings**	**Essential Understandings**	

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	America's desire to gain land from the Atlantic to the Pacific ultimately led to a resurgence of regional interests.	~~America's desire to gain land from the Atlantic to the Pacific ultimately led to a resurgence of regional interests.~~ America wanted to take land from American Indians and Mexico to expand from the Atlantic to the Pacific, leading to conflict between the North and the South as both slavery and free settlers moved west.	
VUS.6g	**Essential Understandings** Sectional tensions, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states. **Essential Knowledge** **Causes of the Civil War** ● Sectional disagreements and debates over tariffs, extension of slavery into the territories, nature of the Union (states' rights). ● While there were several differences between the North and the South, ● Publication of *Uncle Tom's Cabin* by Harriet Beecher Stowe. ● United States Supreme Court decision in the Dred Scott case. ● A series of failed compromises	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South-all based in slavery and eventually resulted in the Civil War. Sectional tensions over slavery, originating with the formation of the nation, ultimately resulted in war between the Northern and Southern states. **Essential Knowledge** **Causes of the Civil War** ● Sectional disagreements and debates over tariffs, extension of slavery into the territories, and the relative power of the states and the federal government ~~nature of the Union (states' rights).~~ ● ~~While there were several differences between the North and the South,~~ The issues related to slavery increasingly divided the nation and led to the Civil War. Much of America's economy revolved around the institution of slavery, which accounted for a large	

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	over the expansion of slavery in the territories and the Fugitive Slave Act	share of America's exports. • A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act. • Publication of *Uncle Tom's Cabin* by Harriet Beecher Stowe in response to the Fugitive Slave Act. • United States Supreme Court decision in the Dred Scott case. • The creation of the Republican Party in the mid-1850s, explicitly devoted to stopping the spread of slavery in the territories. • ~~A series of failed compromises over the expansion of slavery in the territories and the Fugitive Slave Act~~	
VUS.7a		**Major events** • Juneteenth: was celebrated on June 19, 1865, when enslaved people in Texas finally became free when the United States Army arrived and enforced the Emancipation Proclamation.	
VUS.7a	**Key leaders and their roles** Robert E. Lee • Opposed secession, but did not believe the Union should be held together by force	**Key leaders and their roles** Robert E. Lee • After his death, Lee became the leading symbol for the "Lost Cause" movement, in which white Southerners celebrated the leaders of the Confederacy as fighters for a just cause rather than the creation of a new nation based on	

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		slavery. • ~~Opposed secession, but did not believe the Union should be held together by force~~	
VUS.7b	**Abraham Lincoln's leadership** Initial goal: Preserve the Union. **Emancipation Proclamation** • Freed those slaves located in the "rebelling" states (Southern states that had seceded) • Allowed for the enlistment of African American soldiers in the Union Army	**Abraham Lincoln's leadership** Initial goal: Preserve the Union, even if that meant leaving slavery in place. **Emancipation Proclamation** • Lincoln issued the Emancipation Proclamation as a military and diplomatic necessity. • Freed those enslaved people ~~slaves~~ located in the "rebelling" states (Southern states that had seceded) • Allowed for the enlistment of African American soldiers and sailors in the ~~Union Army~~ United States military.	
VUS.7c	**Essential Knowledge** **African Americans** • African Americans served in the Union Army and Navy following the implementation of the Emancipation Proclamation. • African Americans served as a part of contraband armies and aboard Union naval ships. • Many fought with distinction and were eventually paid	**Essential Knowledge** **African Americans** • Nearly two hundred thousand African Americans served in the United States ~~Union~~ Army and Navy following the implementation of the Emancipation Proclamation. African Americans protested against being paid less than white soldiers and sailors. • ~~African Americans served as a part of contraband armies and aboard Union~~	

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	salaries that were equal to those of white soldiers. **Common soldiers** • Warfare often involved hand-to-hand combat. **Women** • Clara Barton, a Civil War nurse, created the American Red Cross. .	~~naval ships.~~ • ~~Many fought with distinction and were eventually paid salaries that were equal to those of white soldiers.~~ • African American soldiers and sailors were discriminated against and served in segregated units under the command of white officers. • Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He was elected to the United States House of Representatives after the war. **Common soldiers** • Warfare was costly, but disease killed more men than did bullets. ~~often involved hand-to-hand combat.~~ • The white South lost nearly a quarter of its military-aged white men to death and many more through illness and disability. • After African American soldiers and sailors returned home from the war, they were targeted for violence. **Women** • Supported the war effort: Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, an abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union	

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		spy.	
VUS.7e	**Essential Knowledge** **Economic impact** ● The North and Midwest emerged with strong and growing industrial economies, laying the foundation for the sweeping industrialization of the nation (other than the South) in the next half-century and the emergence of the United States as a global economic power by the beginning of the twentieth century.	**Essential Knowledge** **Political effects** ● Reconstruction attempted to create legal equality for people formerly held in slavery. ● The Amendments to the Constitution during Reconstruction laid the basis for the eventual equality for all Americans. ● Rights that African Americans had gained were lost through "Jim Crow" laws that segregated black and white Southerners from one another. **Economic impact** ● The North and Midwest emerged with strong and growing industrial economies, laying the foundation for the sweeping industrialization of the nation (~~other than the South~~) in the next half-century and the emergence of the United States as a global economic power by the beginning of the twentieth century. The Southern economy recovered in the 1880s and grew rapidly producing lumber, coal, and cotton.	
VUS.8a	**Essential Understandings** This growth, while positive for some, resulted in more displacement for American Indians~~.~~.	**Essential Understandings** This growth, while positive for some, ~~resulted in more displacement for American Indians.~~ destroyed ways of life that American Indians had practiced for centuries	

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	Essential Knowledge **Westward movement** The years immediately before and after the Civil War were the era of the American cowboy, marked by long cattle drives for hundreds of miles over unfenced open land in the West, which was the only way to get cattle to market..	and dispossessed them from their homes. **Essential Knowledge** **Westward movement** The years immediately before and after the Civil War were the era of the American cowboy, marked by long cattle drives for hundreds of miles over unfenced open land in the West, which was the only way to get cattle to market before the spread of railroads soon thereafter.	
VUS.8b	**Emergence of leisure activities** Vaudeville shows	**Inventions/innovations** ● Filament for light bulb (Lewis Lattimer) ● Gas Mask & Traffic Light (Garrett Morgan) **Economic ~~Industrial~~ leaders** ● "Madame CJ Walker" - Sarah Breedlove (hair products & cosmetics **Emergence of leisure activities** Vaudeville & minstrel shows	
VUS.8d	● During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty and	● During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty, discrimination, and state sponsored violence in the South African Americans also experienced discrimination and	

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	discrimination in the South.	violence in the North and Midwest but had greater opportunities than were available to them in the South. **Lynching** ● Was the illegal killing of people by gangs of violent vigilantes. ● Occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South. ● Was meant to intimidate African Americans from asserting themselves in any way, including politically. ● Were often conducted publicly and with the cooperation of law enforcement. ● Grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed.	
VUS.8d	**Essential Knowledge** **Discrimination against and segregation of African Americans** ● Laws limited freedoms for African Americans. ● Intimidation and crimes were directed against African Americans (lynchings). ● During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs	**Essential Knowledge** **Discrimination against and segregation of African Americans** ● ~~Laws limited freedoms for African Americans.~~ ● ~~Intimidation and crimes were directed against African Americans (lynchings).~~ ● During the early twentieth century, African Americans began the Great Migration to Northern cities in search of jobs and to escape poverty and discrimination in the South. African	

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	and to escape poverty and discrimination in the South. ● Many African Americans eventually found that the North was not much unlike the South when it came to racial attitudes and its use of subtle ways to enforce the separation of the races	Americans also experienced discrimination and violence in the North and Midwest but had greater opportunities than were available to them in the South. ● Mob violence, such as in Danville in 1883. ● ~~Many African Americans eventually found that the North was not much unlike the South when it came to racial attitudes and its use of subtle ways to enforce the separation of the races~~	
VUS.8e		**Great Migration** The Great Migration began post Reconstruction and continued through the 1920s. Created opportunities for African Americans in housing, education, and politics. By the turn of the 20th century, the vast majority of black Americans lived in the Southern states	
VUS.8e	**Growth of cities** As the nation's industrial growth continued, cities such as Chicago, Detroit, Cleveland, Pittsburgh, and New York grew rapidly as manufacturing and transportation centers. Factories in the large cities provided jobs, but workers' families often lived in harsh conditions, crowded into tenements and	**Growth of cities** As the nation's industrial growth continued, cities such as Chicago, Detroit, Cleveland, Pittsburgh, and New York grew rapidly as manufacturing and transportation centers. Factories in the large cities provided jobs, but workers' families often lived in harsh conditions, crowded into tenements and slums. Cities such as Atlanta, Birmingham, Dallas, and Houston also grew rapidly in the South, though	

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	slums. .	without many immigrants. **Industrialization: Formation of labor unions** Brotherhood of the Sleeping Car Porters & Maids led by A. Philip Randolph & Chancellor Owens **Great Migration** The Great Migration began post Reconstruction and continued through the 1920s. Created opportunities for African Americans in housing, education, and politics. By the turn of the 20th century, the vast majority of black Americans lived in the Southern states. ● The widespread migration of African Americans moving from rural communities in the South to large cities in the North and West. "Push" factors: ■ poor economic conditions in the South— intensified by the limitations of sharecropping, farm failures, and crop damage. ■ ongoing racial oppression in the form of Jim Crow laws. "Pull" factors:	

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		■ encouraging reports of good wages and living conditions that appeared in African American newspapers. ■ advertisements for housing and employment and firsthand stories of new found success in the North and western areas such as the *Chicago Defender*. ■ Other areas such as Detroit, Michigan; Cleveland, Ohio; and New York City saw large numbers of migrants coming for new opportunities.	
VUS.8f		**Changes in voting laws in the South disenfranchised African American male voters** ● Every southern state revised their constitutions and voting laws in this period. ● Each change was put forward as a reform and aligned with those of the rest of the country, especially secret ballots, literacy tests, and poll taxes. ● The Wilmington Insurrection of 1898 in North Carolina saw white political leaders illegally and violently remove black officeholders. ● The changes, however, greatly reduced the ability of African Americans in the South to vote, along with poorer white people. ● Strengthened segregation laws were also touted as progressive changes to bring stability to the southern social order.	

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VUS.8g		**VUS.8g -** The student will apply social science skills to understand how the nation grew and changed from the end of Reconstruction through the early twentieth century by: g) analyzing the impact of lynching and racial terror on the lives of African Americans and explain the efforts used to combat the widespread lynching of the 1890s and beyond. **Essential Understandings** Lynching was the illegal killing of people by gangs of violent vigilantes. It intensified following post-Reconstruction to restrain African Americans from advancing in society and from becoming active and participating citizens. Lynching ● Occurred in all parts of the country and sometimes against accused white people, but increasingly targeted African Americans in the South ● Was meant to intimidate African Americans from asserting themselves in any way, including politically ● Were sometimes planned, public events that people came to watch. ● Grew most prevalent at the same time as segregation and disfranchisement laws, in the 1890s and early 1900s, when thousands of African Americans were killed.	

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		● Thousands of southern African Americans had been murdered in the 1890s, with significant numbers in Georgia and Mississippi. Efforts to combat Lynching ● Ida B. Wells-Barnett was instrumental in creating several national organizations, including the Niagara Movement, out of which, the National Association for the Advancement of Colored People (NAACP) evolved. ● The passage of anti-lynching legislation eventually became one of the NAACP's central goals. ● Between 1901 and 1929, more than 1,200 African Americans were lynched in the South. ● The NAACP published a report, *Thirty Years of Lynching in the United States, 1889–1919*, that created momentum for congressional action. The anti-lynching effort helped the NAACP to wage a mass public relations campaign and gain congressional support. ● Since 1918, Congress has considered nearly 200 anti-lynching bills in the first half of the 20th century without passing any of them. ● In 2018, Justice for Victims of Lynching Act of 2018, unanimously passed in the United States Senate. This legislation made lynching a federal crime. The bill later died because it was not passed by the House before the 115th Congress ended on January 3, 2019 ● Through investigation for the bill, it stated that at least 4,742 people, mostly African Americans, were	

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		lynched in the United States between 1882 and 1968.	
VUS.9a		**Racial conflict in the Spanish-American War and the Philippines** • African American soldiers and sailors eagerly enlisted to fight but were kept in segregated units. • The Wilmington Insurrection of 1898 in North Carolina saw white political leaders illegally and violently remove black officeholders. • The long fight against the Filipinos after the American arrival was often interpreted in the United States as a struggle between white and "colored" peoples	
VUS.9b		• More than 350,000 African Americans fought for the Allied forces, often restricted to support roles but sometimes on the front lines. • Immigration from Europe stopped and factories in the North needed laborers;	
VUS.10a		**Harlem Renaissance** • African Americans, following the Great Migration of World War I and the 1920s, created vibrant cultural communities in the North. • One of the most prominent areas of black life was Harlem in New York City, filled with vibrant music and entertainment.	

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		• A number of important poets and writers emerged in that community, including Langston Hughes, Countee Cullen, Zora Neale Hurston, Anne Spencer. • The jazz produced in the 1920s and 1930s in Harlem and other centers of black population became popular worldwide.	
VUS.10d	**New Deal (Franklin Roosevelt)** The Social Security Act offered safeguards for workers.	**New Deal (Franklin Roosevelt)** Franklin D. Roosevelt was the first president to have an entirely African American advisor who served in a "kitchen cabinet." The Social Security Act offered safeguards for workers, except for domestic workers. African Americans were discriminated against in these government programs.	
VUS.12c	**Essential Knowledge:** **American military forces during the Cold War** As a result of their service, the United States and American ideals of democracy and freedom ultimately prevailed in the Cold War struggle with Soviet communism.	**Essential Knowledge:** **American military forces during the Cold War** In 1948, President Harry S. Truman ordered the desegregation of the armed forces of the United States, which took place during the Korean War. ~~As a result of their service, the United States and American ideals of democracy and freedom ultimately prevailed in the Cold War struggle with Soviet communism.~~	

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VUS.12d		**The Vietnam War** African Americans were drafted and sent to the front lines in disproportionate numbers.	
VUS.13c		**Essential Knowledge** **National Association for the Advancement of Colored People (NAACP)** ● The Lynching of Emmett Till (1955) - Emmett Till's lynching in Mississippi and the acquittal of his killers gained international media attention and inspired demands for civil rights. -The Southern Christian Leadership Conference (SCLC). ● A civil rights organization led by Martin Luther King, Jr. ● The SCLC supported the use of nonviolent direct action such as boycotts, sit-ins, marches, and other demonstrations. ● African American women represented the majority of the membership despite being denied positions of leadership. African American women were often the major drivers of the civil rights initiatives of the SCLC. -The Student Non-Violent Coordinating Committee	

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		(SNCC). • Inspired by the Greensboro sit-in by four black college students in North Carolina. • Initially formed as a student chapter of SCLC, but became an independent civil rights organization for young people. **Civil Rights Act of 1964** • The Birmingham Campaign led by Martin Luther King, Jr., and SCLC convinced President Kennedy to publicly call for new civil rights legislation. Media coverage of Bull Connor's violent tactics against student demonstrators led to greater national support of the Civil Rights Movement. **Voting Rights Act of 1965** • The March from Selma to Montgomery was a demonstration against voter discrimination and police brutality. John Lewis led the first day of the march when peaceful demonstrators were attacked by Alabama State Police in what became known as "Bloody Sunday."	
VUS.13c		James Baldwin's contributions to the understanding of race and culture in the United States.	

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source: AAHEC Final Report

VUS.6a			
VUS.13e	**President Barack H. Obama, 2009–2016** Patient Protection and Affordable Care Act of 2010	**President Barack H. Obama, 2009–2016** ~~Patient Protection and Affordable Care Act of 2010~~ Called for Congress to pass legislation to reform health care in the United States Patient Protection and Affordable Care Act of 2010, popularly known as "Obamacare" that has provided medical care for millions of Americans Initiated the Generation Indigenous programhttps://obamawhitehouse.archives.gov/nativeamericans/generation-indigenous Escalated Undeclared Drone War in Yemen https://www.pbs.org/newshour/world/drone-strikes-1	

Exploring New Resources

The resources below support teaching of the AAHEC technical edits. They are designed for culturally responsive instruction.

Carter G Woodson Collaborative: GoOpenVA Hub

- Guidance Document: Selecting Resources
- US/VA Original Learning Experiences and Curated Resources
- FCPS Summer Curriculum Project for HS Social Studies: ***TBD***

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- Digital Background Information Resources: ***TBD***

Was there a resource you found particularly - capture ideas and resources you would like to explore and share with colleagues….

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source: VDOE Curriculum Framework

Unpacking the AAHEC Technical Edits

Kindergarten, Grade 1, Grade 2

AAHEC Technical Edits for K-2		
Standard	**Original Language**	**Language in Current VDOE Curriculum Framework**
Kindergarten		
K.1c	• Listen to community members; discuss events, stories, and legends to learn about the community.	• Listen to community members of diverse backgrounds, discuss events, stories, and narratives to learn about the community.
K.2ab	Each local community has a unique history that includes stories and legends that have developed over time.	Each local community has a unique history that includes stories and narratives ~~legends~~ that have developed over time.
		Localities recognize people who contributed to the development of the community over time.
	Local schools and divisions may determine community-related events, stories, legends, and people to be studied.	Local schools and divisions may determine community-related events, stories, narratives ~~legends~~, and people to be studied.
K.3, K.11,		*Teachers are encouraged to explore and recognize holidays representing Virginia's diverse populations and cultures. Juneteenth is traditionally the day that celebrates the end of the enslavement of African Americans in the United States. It is observed on June 19th.*
Grade One		
1.1d	**Experiences may include but are not limited to the following:** • Create interview questions to ask the early settlers of Virginia.	**Experiences may include but are not limited to the following:** ~~• Create interview questions to ask the early settlers of Virginia.~~
1.1f	**Experiences may include but are not limited to the following:** • Describe how the relationship between Pocahontas and the	**Experiences may include but are not limited to the following:** ~~• Describe how the relationship between Pocahontas and the Jamestown settlers affected the success of the Jamestown settlement.~~
	Jamestown settlers affected the success of the Jamestown settlement.	• Describe how the relationship between diseases and weapons of the English settlers impacted the Virginia Indians.

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1.1g	**Experiences may include but are not limited to the following:** ● Discuss how jobs in Virginia have changed over time	**Experiences may include but are not limited to the following:** ● Discuss how jobs in Virginia have changed over time for all Virginians.
1.2a,b,c	**Essential Understandings** Many people, and events contributed to Virginia history. **Essential Knowledge** Many different people, and events helped shape Virginia's history.	**Essential Understandings** Many people, from diverse backgrounds, and events contributed to Virginia history. **Essential Knowledge** Many different people, cultures, and events helped shape Virginia's history.
1.3a-e	**The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on** **a) Powhatan;** **b) Pocahontas;** **c) Christopher Newport;** **d) Maggie L. Walker;** **e) Arthur R. Ashe, Jr.;**	**The student will describe the stories of influential people in the history of Virginia and their contributions to our Commonwealth, with emphasis on** a) Powhatan; b)Pocahontas; c) Christopher Newport; d)Maggie L. Walker; e) Arthur R. Ashe, Jr.; f) Lawrence Douglas Wilder; and g)John Mercer Langston.
1.3f,g		● Lawrence Douglas Wilder: He was the first elected African American Governor of Virginia and in the United States. ● John Mercer Langston: First African American Congressmen from Virginia.
1.4d	**Holidays to know** a) George Washington Day (Presidents' Day): This is a day to remember all United States presidents, especially George Washington. It is observed in February. b) Independence Day (Fourth of July); This is a day to remember when America became a new country. It is sometimes called America's birthday. It is observed in July. c) Martin Luther King, Jr., Day. This is a day to remember an African American leader who worked so that all people would be treated fairly. It is observed in January.	**Holidays to know** a) George Washington Day (Presidents' Day): This is a day to remember all United States presidents, especially George Washington. It is observed in February. b) Independence Day (Fourth of July); This is a day to remember when America became a new country. It is sometimes called America's birthday. It is observed in July. c) Martin Luther King, Jr., Day. This is a day to remember an African American leader who ~~worked~~ advocated so that all people would be treated fairly. It is observed in January. Teachers are encouraged to explore and recognize holidays representing Virginia's diverse population and cultures. Juneteenth is traditionally the day that celebrates the end of enslavements of African-Americans in the United States. It is observed on June 19th.
1.10a - f		**Essential Understandings**

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		Not everyone was considered a citizen when our country began, and for a long time after that, even until today. **Essential Knowledge** Students can demonstrate good citizenship by ● being inclusive of others despite differences ● exercising civic duties like voting and paying taxes
1.12a, b	**Essential Knowledge** **Terms to know** ● symbol: A picture, or thing that stands for something else ● tradition: A custom or belief that is practiced or observed over a long period of time ● patriotic: Showing respect for and love of country, and state	**Essential Knowledge** **Terms to know** ● symbol: A picture, object, or action ~~or thing~~ that stands for something ~~else~~ ● tradition: A custom or belief that is practiced or observed over a long period of time ● patriotic: Showing respect for and love of country, ~~and~~ state, and neighbors
1.13a, b, c	**Essential Knowledge** People in Virginia's communities are united as Americans by common principles and traditions. , such as ● celebrating Independence Day (Fourth of July) ● pledging allegiance to the flag.	**Essential Knowledge** People in Virginia's communities are united as Americans by common principles and traditions.
Grade Two		
2.4j	● Martin Luther King, Jr.: He was an African American minister who worked so that all people would be treated fairly. He led peaceful marches and gave speeches.	● Martin Luther King, Jr.: He was an African American minister who advocated ~~worked~~ so that all people would be treated fairly. He led peaceful marches and gave speeches. He was an important leader in the Civil Rights Movement who fought to end racial segregation.
2.5a	● Martin Luther King, Jr., Day: This is a day to remember an African American minister who worked so that all people would be treated fairly. It is observed in January.	● Martin Luther King, Jr., Day: This is a day to remember an African American minister who advocated ~~worked so that all people would be treated fairly~~ to end racial segregation and promote racial equality. It is observed in January. *Teachers are encouraged to explore and recognize holidays representing Virginia's diverse populations and cultures. Juneteenth is traditionally the day that celebrates the end of the enslavement of African Americans in the United States. It is observed on June 19th*

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Learning Objectives

- Participants will gain an understanding of Regulation 2603-Gender-Expansive and Transgender Youth and key components required for implementation of this regulation in the schools.
- Participants will recognize that identities are fluid and our identities intersect, influencing one another to create unique experiences.
- Participants will identify and understand the use of identified pronouns and chosen name.
- Participants will understand the steps to take when a transgender or gender-expansive student reports that they have been bullied or harassed.

Supporting Gender Expansive and Transgender Youth

Which of the following practices promote equitable environments?

(check all that apply)

- [ ] Affirming and sustaining gender Identity, gender expression, and racial, linguistic, ability, and cultural Identities
- [ ] Creating student-centered experiences
- [ ] Recognizing and disrupting systems that create inequitable outcomes
- [ ] Elevating voices of the marginalized

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Supporting Gender Expansive and Transgender Youth

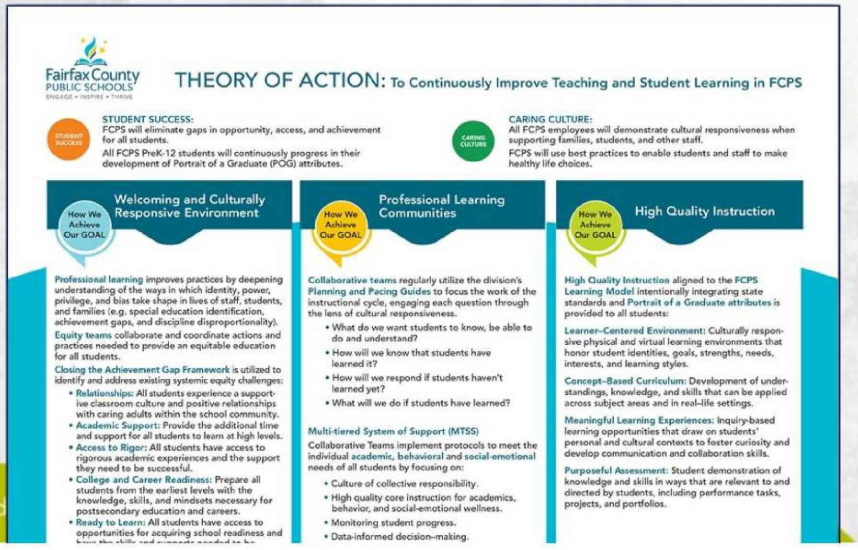
Equity at the Center

Supporting Gender-Expansive and Transgender Youth

Fairfax County PUBLIC SCHOOLS

Supporting Gender Expansive and Transgender Youth

Equity at the Center



Fairfax County PUBLIC SCHOOLS

THEORY OF ACTION: To Continuously Improve Teaching and Student Learning in FCPS

STUDENT SUCCESS:
FCPS will eliminate gaps in opportunity, access, and achievement for all students.
All FCPS PreK-12 students will continuously progress in their development of Portrait of a Graduate (POG) attributes.

CARING CULTURE:
All FCPS employees will demonstrate cultural responsiveness when supporting families, students, and other staff.
FCPS will use best practices to enable students and staff to make healthy life choices.

Welcoming and Culturally Responsive Environment (How We Achieve Our GOAL)

Professional learning improves practices by deepening understanding of the ways in which identity, power, privilege, and bias take shape in lives of staff, students, and families (e.g. special education identification, achievement gaps, and discipline disproportionality).
Equity teams collaborate and coordinate actions and practices needed to provide an equitable education for all students.
Closing the Achievement Gap Framework is utilized to identify and address existing systemic equity challenges:

- Relationships: All students experience a supportive classroom culture and positive relationships with caring adults within the school community.
- Academic Support: Provide the additional time and support for all students to learn at high levels.
- Access to Rigor: All students have access to rigorous academic experiences and the support they need to be successful.
- College and Career Readiness: Prepare all students from the earliest levels with the knowledge, skills, and mindsets necessary for postsecondary education and careers.
- Ready to Learn: All students have access to opportunities for acquiring school readiness and

Professional Learning Communities (How We Achieve Our GOAL)

Collaborative teams regularly utilize the division's Planning and Pacing Guides to focus the work of the instructional cycle, engaging each question through the lens of cultural responsiveness.

- What do we want students to know, be able to do and understand?
- How will we know that students have learned it?
- How will we respond if students haven't learned yet?
- What will we do if students have learned?

Multi-tiered System of Support (MTSS)
Collaborative Teams implement protocols to meet the individual academic, behavioral and social-emotional needs of all students by focusing on:

- Culture of collective responsibility.
- High quality core instruction for academics, behavior, and social-emotional wellness.
- Monitoring student progress.
- Data-informed decision-making.

High Quality Instruction (How We Achieve Our GOAL)

High Quality Instruction aligned to the FCPS Learning Model intentionally integrating state standards and Portrait of a Graduate attributes is provided to all students:
Learner-Centered Environment: Culturally responsive physical and virtual learning environments that honor student identities, goals, strengths, needs, interests, and learning styles.
Concept-Based Curriculum: Development of understandings, knowledge, and skills that can be applied across subject areas and in real-life settings.
Meaningful Learning Experiences: Inquiry-based learning opportunities that draw on students' personal and cultural contexts to foster curiosity and develop communication and collaboration skills.
Purposeful Assessment: Student demonstration of knowledge and skills in ways that are relevant to and directed by students, including performance tasks, projects, and portfolios.

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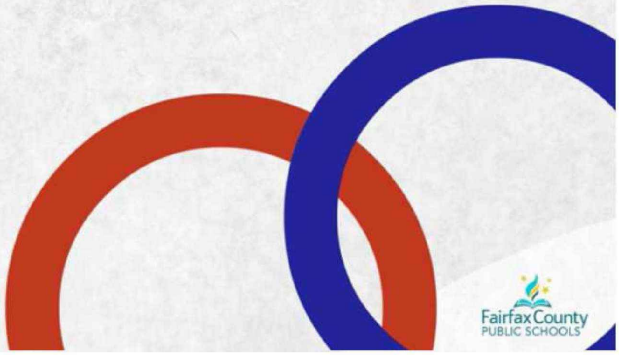
Equity at the Center

- Create student-centered experiences
- Affirm and sustain **gender identity**, **gender expression**, and racial, linguistic, ability, and cultural identities
- Elevate voices of the marginalized
- Recognize and disrupt systems that create inequitable outcomes

Supporting Gender Expansive and Transgender Youth

Gender Identity

Gender Expression



Supporting Gender-Expansive and Transgender Youth
Fairfax County PUBLIC SCHOOLS

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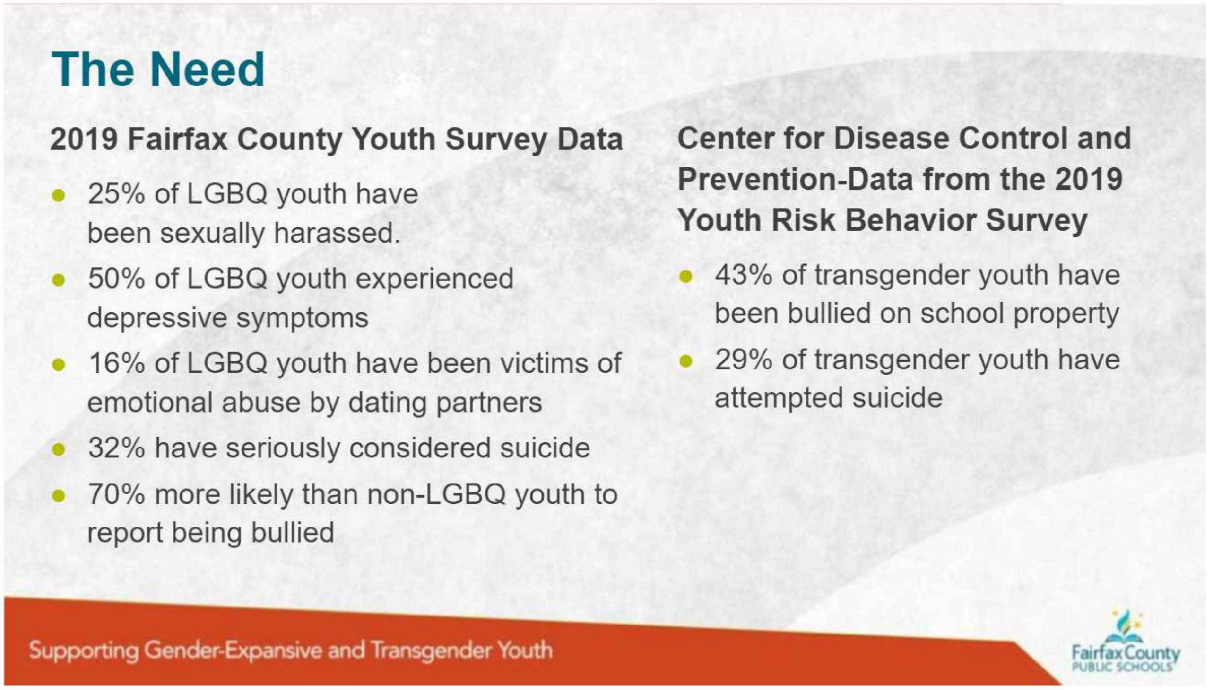
Supporting Gender Expansive and Transgender Youth



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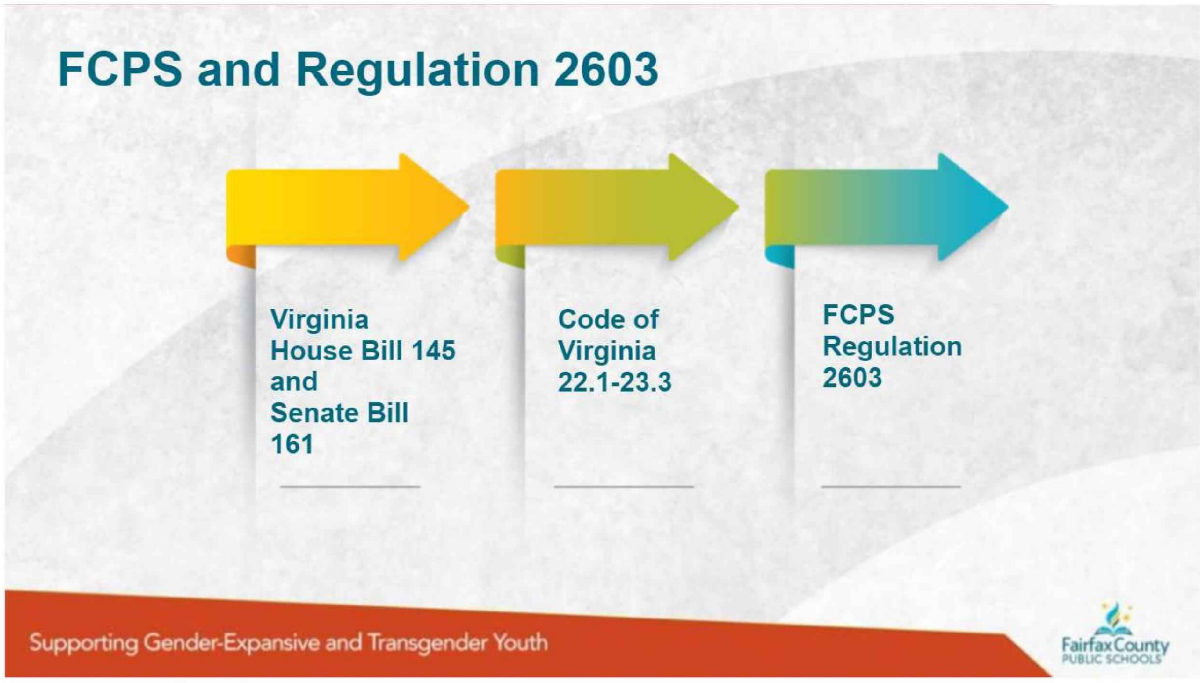

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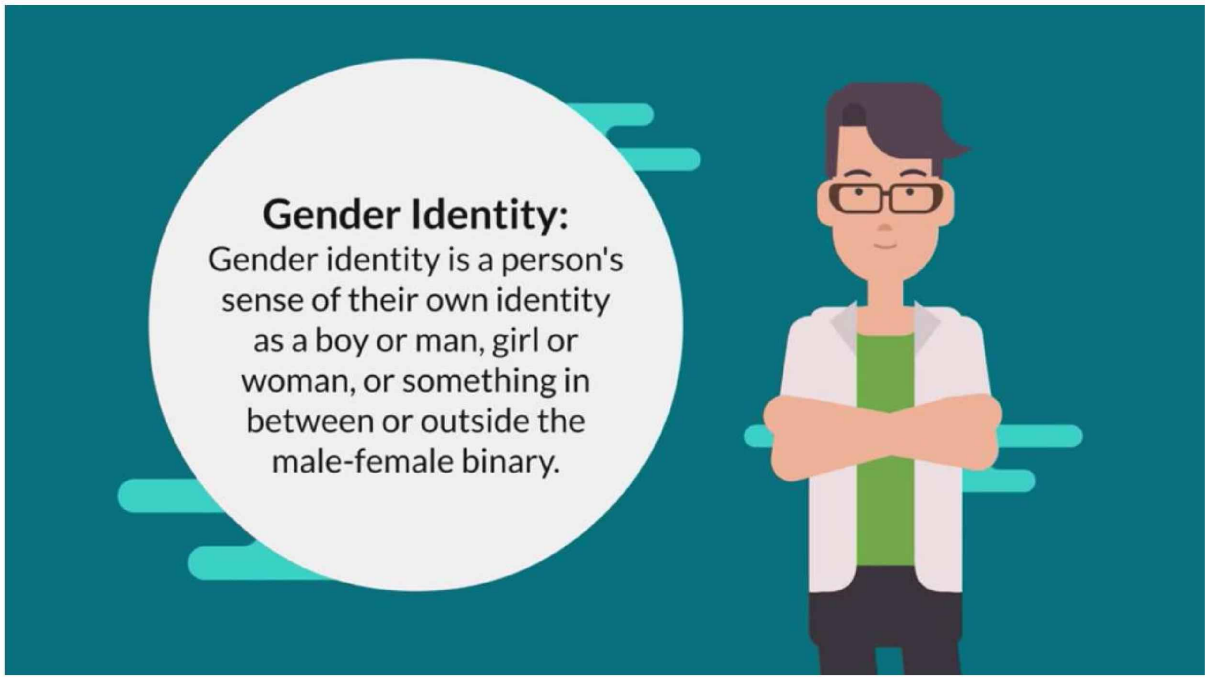

Supporting Gender Expansive and Transgender Youth

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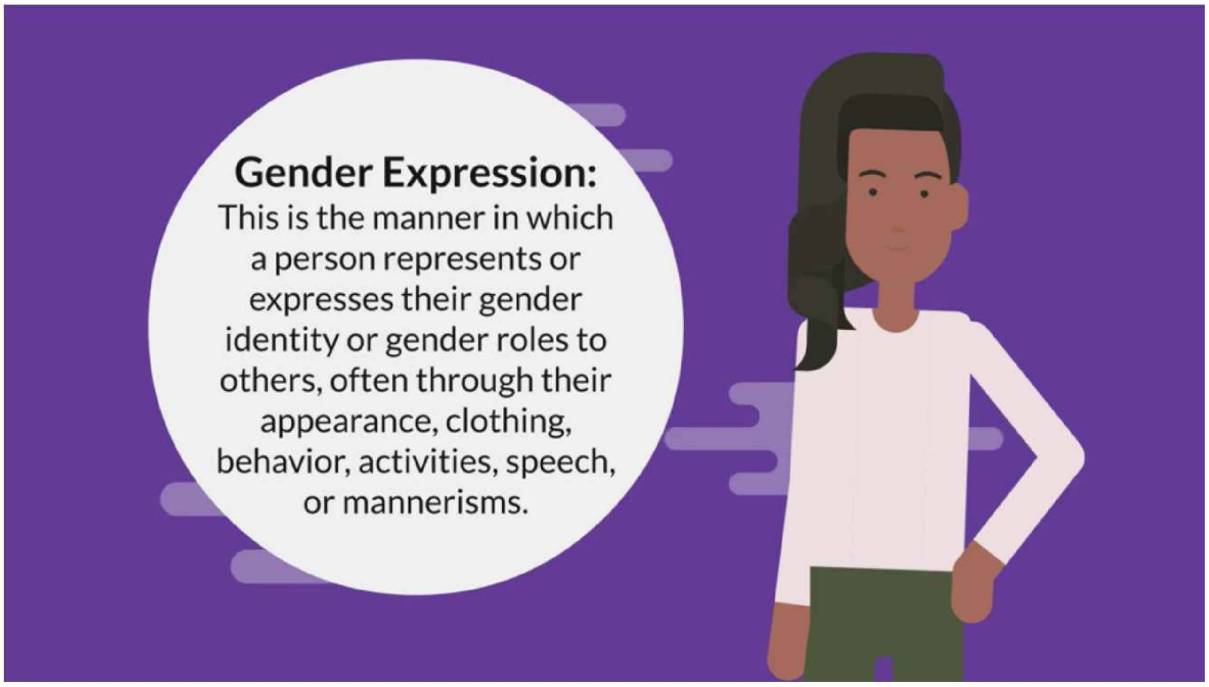
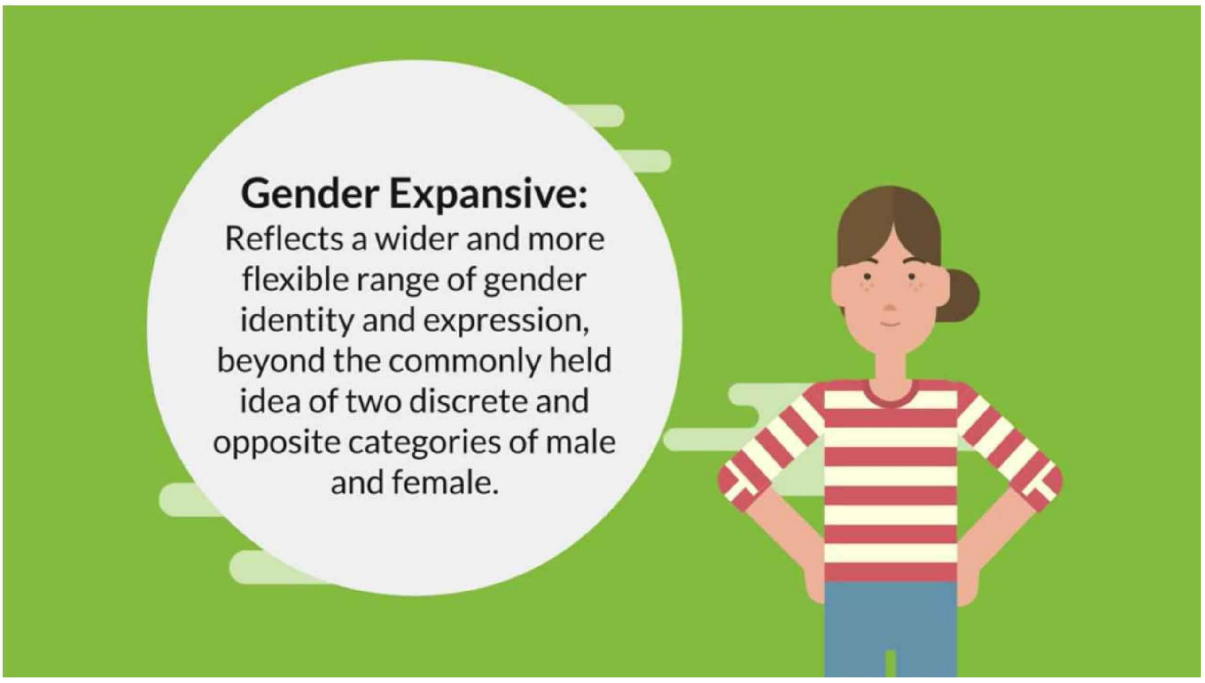
Supporting Gender Expansive and Transgender Youth



Supporting Gender Expansive and Transgender Youth



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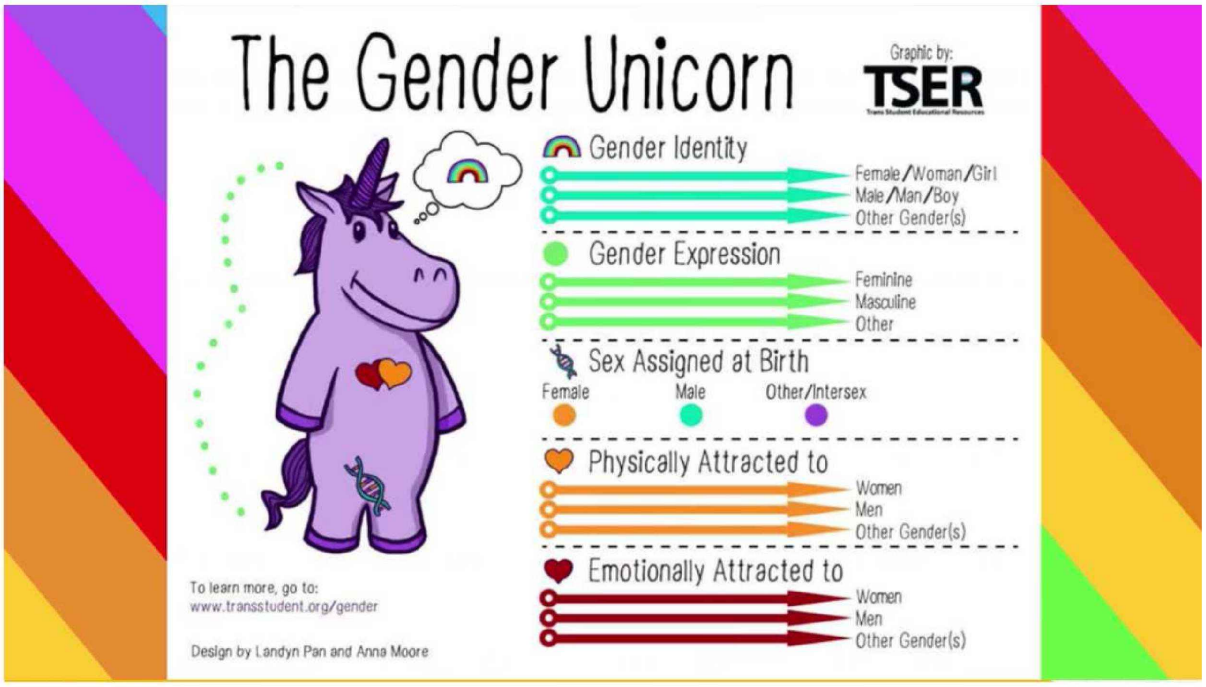

Supporting Gender Expansive and Transgender Youth

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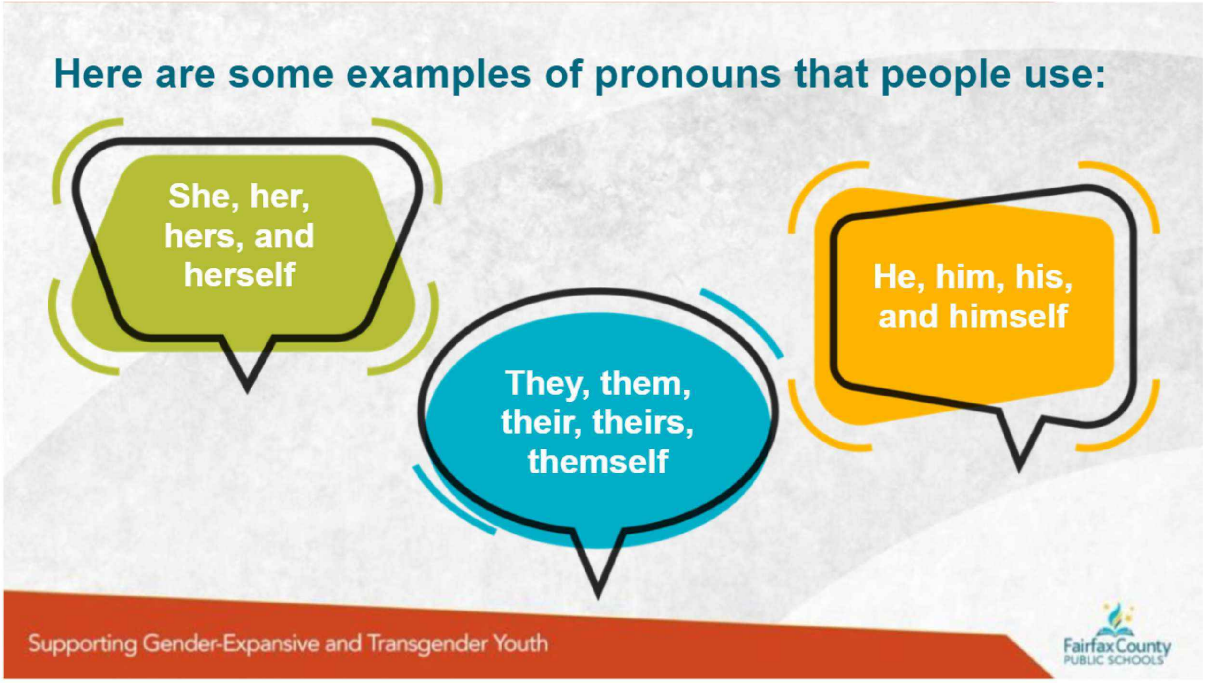
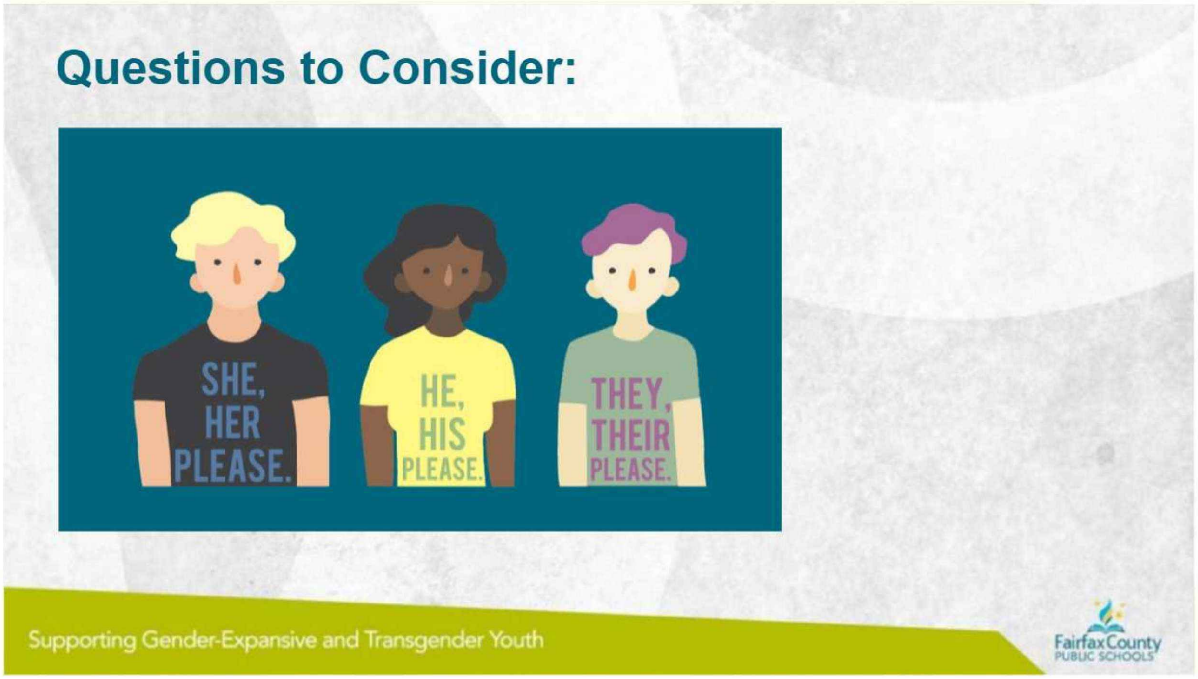
Supporting Gender Expansive and Transgender Youth



Supporting Gender Expansive and Transgender Youth



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Legal Name and Chosen Name

Option 1

Name Change In Class

- Teachers use a student's chosen name
- Teachers ensure that substitute class lists use chosen name
- Student may use a chosen name in some classes and not others
- Parental permission is not required

Option 2

Name Change In Virtual Platforms

- Teachers use the chosen name in class
- Teachers ensure that class lists use chosen name
- Student may use a chosen name in some classes and not others
- Parental permission is not required
- Virtual platforms such as BBCU and G Suite reflect chosen name

Option 3

Name Change on All Records

- Name change will be reflected in SIS, SEA-STARS and all other records
- Student's Legal Name will be stored in the Protected Information View
- Students will receive diplomas and transcripts with both the legal and chosen name
- Parental permission is not required
- Legal name change documentation is not required

Supporting Gender Expansive and Transgender Youth

Updates to the Student Information System

- Protected Information
- Non-Binary Gender Designation
  - Female-F
  - Male-M
  - Nonbinary-X

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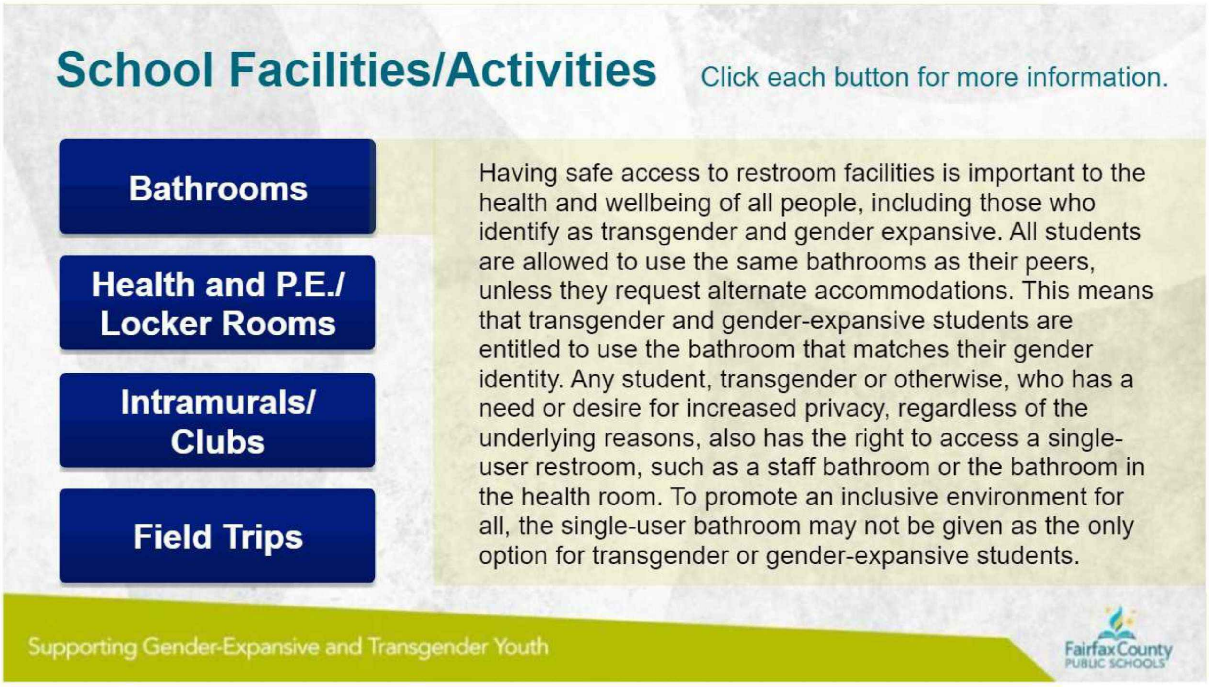
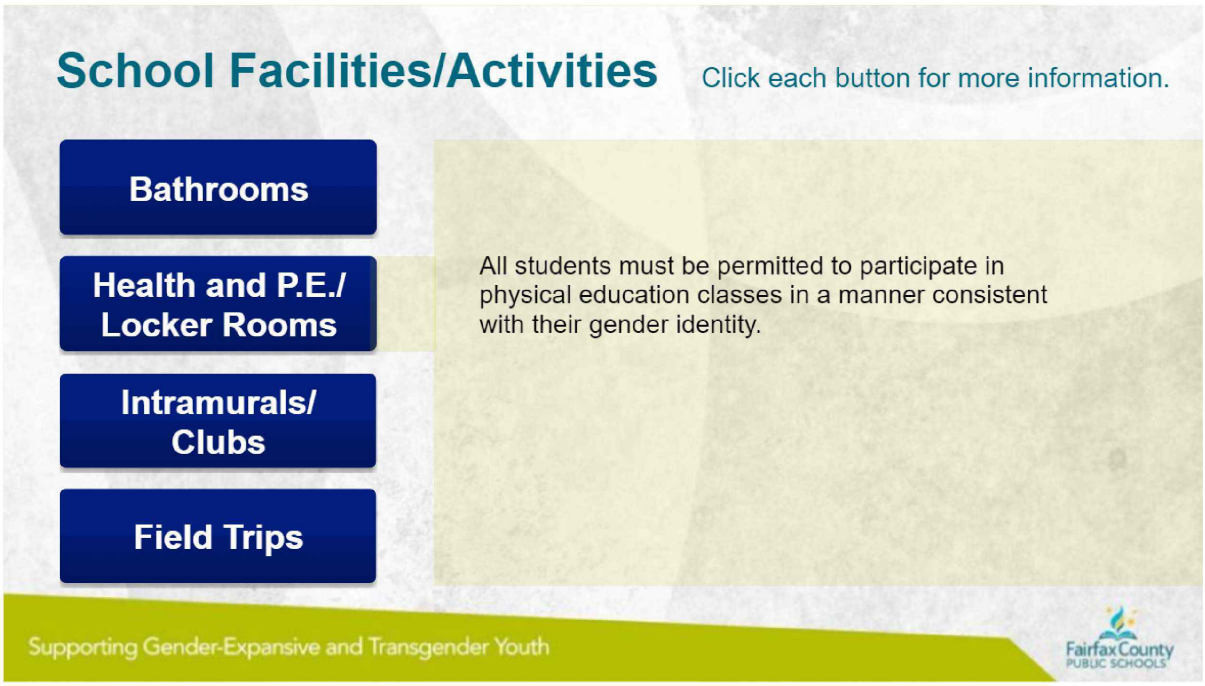
Supporting Gender Expansive and Transgender Youth



Supporting Gender Expansive and Transgender Youth



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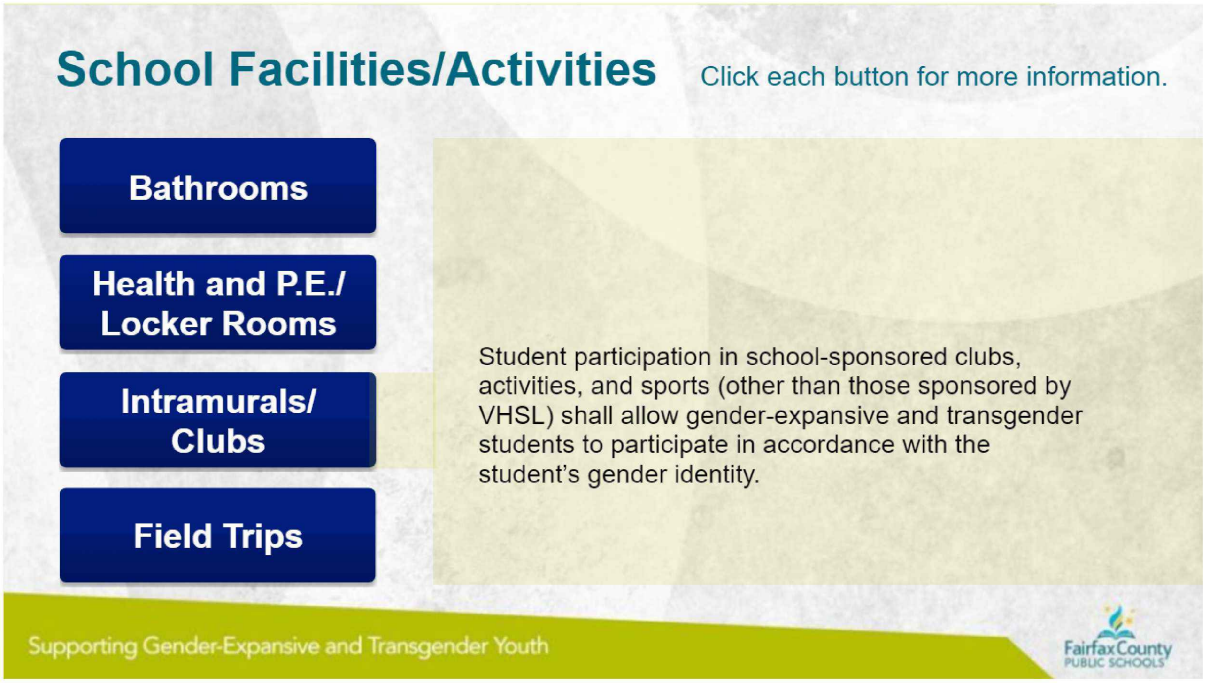
Supporting Gender Expansive and Transgender Youth



Supporting Gender Expansive and Transgender Youth

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source: VDOE Carter G. Woodson Collaborative

Unpacking the AAHEC Technical Edits

USI (grade 6)

AAHEC Technical Edits for USI		
Standard	**Original Language**	**Language in Current VDOE Curriculum Framework**
USI.1f	**Experiences may include but are not limited to the following:** • Compare charts, graphs, and/or maps to determine the role diversity played in affecting the social, economic, and political structure of the United States. • Create flow charts, storyboards, and timelines to explore multiple causes and effects. • Determine how the choices of selected individuals or groups influenced	**Experiences may include but are not limited to the following**: • Compare charts, graphs, and/or maps to determine the role diversity played in affecting the social, economic, and political structure of the United States. • Create flow charts, storyboards, and timelines to explore multiple causes and effects. • Determine how the choices of selected individuals or groups influenced United States history. • Examine the decisions by Africans Americans to support either the Americans or British in the American Revolution.
USI.1g	**Experiences may include but are not limited to the following:** • Create a flowchart to show connections between what explorers wanted to accomplish in the west (e.g., find new land for farming) and the effect that these interests had on American Indians (e.g., American Indians were displaced from their land). Discuss how the relationship between the explorers and the American Indians changed over time.	**Experiences may include but are not limited to the following:** • Create a flowchart to show connections between what explorers wanted to accomplish in the west (e.g., find new land for farming) and the effect that these interests had on American Indians (e.g., American Indians were forcibly removed from their land and in many cases massacred ~~displaced from their land~~). Discuss how the relationship between the explorers and the American Indians changed over time.
USI.1j	Create a social media page or blog about an event from United States history. Take a position on the topic, and use a variety of sources as evidence to support the stance. • French Explorer: Exploration of North America • Member of British Parliament: Declaration of Independence • American Indian: Manifest Destiny • Resident of the Kansas territory: Kansas Nebraska Act	Create a social media page or blog about an event from United States history. Take a position on the topic, and use a variety of sources as evidence to support the stance. • French Explorer: Exploration of North America • Member of British Parliament: Declaration of Independence • Enslaved African Americans: Emancipation Proclamation • American Indian: Manifest Destiny

AMERICAN OVERSIGHT

		• Resident of the Kansas territory: Kansas Nebraska Act
USI.5d	**Women** • Worked as caretakers, houseworkers, and homemakers • Were not allowed to vote • Had few opportunities for getting an education **Free African Americans** • Were able to own land • Had economic freedom and could work for pay and decide how to spend their money • not allowed to vote	**White Women** • Worked as caretakers, house-workers, and homemakers • We not allowed to vote • Had few opportunities for getting an education **Free African Americans** • Were able to own/inherit land in some cases • Had limited economic freedom and could work for pay and decide how to spend their money in some cases • Had varying degrees of freedom and were not allowed to vote (men or women)
USI.6b	**Essential Understandings** The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights to life, liberty, and the pursuit of happiness.	**Essential Understandings** The Declaration of Independence proclaimed independence from Great Britain. It stated that people have natural (inherent) rights to life, liberty, and the pursuit of happiness. In practicality, it only applied to white men at this time.
USI.6c	**Key individuals**	**Key individuals** • Crispus Attucks: Fugitive enslaved African American who was the first person to die in the Boston Massacre • James Armistead Lafayette: Enslaved African American from Virginia served as a spy in the Continental Army during the Revolutionary War. James Lafayette then had to fight for his freedom and won his freedom many years after the war, with the support of the Marquis de Lafayette.
USI.7b	**The Constitutional Convention**	**The Constitutional Convention** • The Three-fifths Compromise perpetuated slavery in the United States.
USI.7c	Thomas Jefferson • Lewis and Clark explored new land west of the Mississippi River;	Thomas Jefferson • The Lewis and Clark Expedition, which included enslaved peoples Sacagewa and York, explored new land west of the Mississippi River;
US 1.8d	**New technologies and their impact on society** • The cotton gin was invented by Eli Whitney. It increased the production of cotton and thus increased the need for slave labor to cultivate and pick the cotton.	**New technologies and their impact on society** • The cotton gin was ~~invented~~ patented by Eli Whitney. It increased the production of cotton and thus increased the need for slave labor to cultivate and pick the cotton.

AMERICAN OVERSIGHT

source: VDOE Carter G. Woodson Collaborative

USI.8e	**Essential Understandings** The abolitionists worked to end slavery. The women's suffrage movement helped women gain equal rights.	**Essential Understandings** The abolitionists worked to end slavery. ~~The women's suffrage movement helped women gain equal rights.~~ The beginning of the women's suffrage movement included both white and African American women known as suffragists. Not all white suffragists were in agreement that women of color should be extended the right to vote.
USI.9a	**Essential Understandings** Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War.	**Essential Understandings** ~~Cultural, economic, and constitutional differences between the North and the South eventually resulted in the Civil War~~. Struggles over the future of slavery's expansion agitated the United States for decades and led the nation into the Civil War.
USI.9a	**Essential Knowledge** **Issues that divided the nation** ● Slavery ○ While there were several differences between the North and the South, the issues related to slavery increasingly divided the nation and led to the Civil War. ○ Much of America's economy revolved around the institution of slavery. ● Cultural issues ○ The North was mainly an urban society in which people held jobs in cities. ○ The South was primarily an agricultural society in which people lived in small villages and on farms and plantations. ○ Because of their cultural differences, people of the North and South found it difficult to agree on social and political issues. ● Economic issues ○ The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition. ○ The South was largely agricultural. Southerners opposed tariffs that would cause prices of manufactured goods to increase. Planters were also concerned that Great Britain might stop buying cotton from the South if tariffs were added.	**Essential Knowledge** **Issues that divided the nation** ● Slavery ○ ~~While there were several differences between the North and the South, the issues related to slavery increasingly divided the nation and led to the Civil War.~~ ○ Much of America's economy revolved around the institution of slavery. ○ Slavery was growing larger, stronger, and more powerful in each decade after 1800. ○ By 1860, nearly four million Americans lived in perpetual bondage. ● Cultural issues ● The North and the South shared a culture of Protestant Christianity, political beliefs based on the Constitution, and ideals of personal property.~~The North was mainly an urban society in which people held jobs in cities.~~ ○ A culture of reform grew in the North, fed by the Second Great Awakening, aspirations of social improvement, activist women, and charismatic reformers.~~The South was primarily an agricultural society in which people lived in small villages and on farms and plantations.~~ ○ ~~Because of their cultural differences, people of the North and South found it difficult to agree on social and political issues.~~ ● In the South, white people argued that the Bible sanctioned slavery and that slaveholders acted as Christian protectors of enslaved people ● Black southerners saw themselves as a people held in bondage like the Israelites in the Bible and had faith they would one day be delivered from

AMERICAN OVERSIGHT

	• Constitutional issues
	  ○ A major conflict was states' rights versus strong central government.
		slavery.
		• Economic issues
		  ○ ~~The North was more of a manufacturing region, and its people favored tariffs that protected factory owners and workers from foreign competition.~~
		  ○ ~~The South was largely agricultural. Southerners opposed tariffs that would cause prices of manufactured goods to increase. Planters were also concerned that Great Britain might stop buying cotton from the South if tariffs were added.~~
		• In both the North and the South, most people were farmers
		• About a fourth of white Southern families owned enslaved people and grew wealthy from their labor.
		• Powerful economic interests in both regions fought for economic advantage with government policies favorable to them.
		• Plantation slavery was economically powerful but did not develop as many towns, cities, and factories as the North.
		~~• Constitutional issues~~
		  ~~○ A major conflict was states' rights versus strong central government.~~
		• Political Issues
		  ○ Voters in the North and the South belonged to the same political parties from the 1820s through the 1850s: Democrats and Whigs.
		  ○ The two parties found ways for the divergent interests of the North and South to be compromised.
		  ○ The emergence of the Republican Party in the late 1850s gave voice to Northerners angry at Southern dominance of the federal government out of proportion to white population.
		  ○ These political differences, fed by the invention of the telegraph and the spread of newspapers, led the South to secede.

USI.9b	• A stricter fugitive slave law was enacted,	• ~~A stricter fugitive slave law was enacted,~~ The Fugitive Slave Act of 1850 was passed.
USI.9b	• Most Southerners believed that the states had freely created and joined the union and could freely leave it.	• Most White Southerners believed that the states had freely created and joined the union and could freely leave it.
USI..9d	• Frederick Douglass	• Frederick Douglass

AMERICAN OVERSIGHT

	○ Was a former enslaved African American who promoted African American involvement in the Civil War	○ Was a former enslaved African American who promoted African American involvement in the Civil War by creating the United States Colored Troops.
USI.9f	**General effects of the war** ● Clara Barton, a Civil War nurse, created the American Red Cross.	**General effects of the war** ● Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, an abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy. ● Abraham Lincoln Sought to reconstruct the nation by bringing Southern states back into the Union when 10 percent of voters accepted the end of slavery and reunion.

AMERICAN OVERSIGHT

Source: VDOE Curriculum Framework

Unpacking the AAHEC Technical Edits

Virginia Studies (grade 4)

AAHEC Technical Edits for Virginia Studies		
Standard	**Original Language**	**Language in Current VDOE Curriculum Framework**
VS.1d	Experiences may include but are not limited to the following: • Respond to guiding questions to help in understanding multiple perspectives	Experiences may include but are not limited to the following: • Respond to guiding questions to help in understanding multiple perspectives of people from diverse backgrounds:
VS.2e		Climate in Virginia • Native Americans tried to escape from the English Colonists by hiding and living in the Dismal Swamp
VS.3e	Virginia became a more diverse colony by 1620.	This is the first time that Africans were introduced to the Virginia colony and became a permanent part of Virginia's population. ~~Virginia became a more diverse colony by 1620.~~
	Portuguese sailors captured African men and women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown. Africans arrived in Virginia against their will in 1619. The arrival of Africans made it possible to expand the tobacco economy. The arrival of additional women in 1620 made it possible for more settlers to start families, which helped to establish Jamestown as a permanent colony in Virginia.	~~Portuguese sailors captured African men and women from what is present-day Angola. The legal status of these early African men and women as either servants or enslaved persons once they arrived in Virginia is unknown.~~ Africans arrived in Virginia against their will in 1619. The first Africans who were forcibly brought to Old Point Comfort were originally free people who were captured by Portuguese soldiers by hired mercenaries in an Angolian region of West Central Africa. With the forced arrival of these Africans Virginia would create a system of people treated as property based on their skin color. ~~The arrival of Africans made it possible to expand the tobacco economy~~.The Virginia Colony's economy was greatly dependent upon temporary and permanent servitude. Within just a few years, 90% of the Virginia population were in some form of servitude. In these early years, Virginia would create a disparity between English colonists and Africans. The arrival of additional English women in 1620 made it possible for more settlers to start families, which helped to establish Jamestown as a permanent colony in

AMERICAN OVERSIGHT

		Virginia.
VS.4a	The successful cultivation of tobacco depended on a steady and inexpensive source of labor. For this reason, African men, women, and children were brought to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.	The successful cultivation of tobacco depended on a steady and inexpensive source of labor. The Virginia Colony turned to enslaved labor to make money and expand their resources. This dependence lasted for more than two hundred years, until the end of the Civil War. For this reason, African men, women, and children were forcibly brought to the Virginia colony and enslaved to work on the plantations. The Virginia colony became dependent on slave labor, and this dependence lasted a long time.
VS.4e	Most enslaved African Americans worked tobacco, other crops, and livestock.	~~Most e~~Enslaved African~~s~~ ~~Americans~~ worked tobacco, other crops, livestock, and in industries including shipping, construction, and other trades. Africans came to America with prior knowledge of skilled trade.
	Enslaved African Americans were denied basic rights. Some free African Americans owned land but were denied basic rights.	Enslaved African~~s~~ ~~Americans~~ were denied basic rights. Some free Africans ~~Americans~~ in America owned land but were denied basic rights. Africans began to have families born in America increasing their population.
VS.5b	Varied roles of American Indians, whites, enslaved African Americans, and free African Americans in the Revolutionary War era Contributions of Virginians during the Revolutionary War era ● James Lafayette, an enslaved African American from Virginia, served as a spy in the Continental Army during the Revolutionary War. He successfully requested his freedom after the war with the support of the Marquis de Lafayette.	Varied experiences ~~roles~~ of American Indians, whites, enslaved African Americans, and free African Americans in the Revolutionary War era Contributions of Virginians during the Revolutionary War era ● James Lafayette, an enslaved African American from Virginia, served as a spy in the Continental Army during the Revolutionary War. James Lafayette then had to fight for his freedom and won his freedom many years after the war, ~~He successfully requested his freedom after the war~~ with the support of the Marquis de Lafayette.
VS.6c	Many enslaved African Americans were sold to people who lived in other southern states	Many enslaved African Americans were sold to people who lived in other southern states and western territories, permanently separating many families by hundreds of miles.
VS.7a	Because of economic differences, The North and the South were unable to resolve their conflicts, and the South seceded from the United States.	Cultural, economic, and constitutional differences between the North and the South based in slavery eventually resulted in the Civil War. ~~Because of economic differences, t~~The North and the South were unable to resolve their conflicts, and the South seceded from the United States.
	Differences between northern and southern states The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor. Northern states wanted the new states created out of the western territories to be “free states,” while the	~~Differences between northern and southern states~~ ● ~~The economy in the northern part of the United States was more industrialized, while the economy in the southern part was agricultural and relied more on slave labor.~~ ● ~~Northern states wanted the new states created out of the western territories~~

AMERICAN OVERSIGHT

	southern states wanted the new states to be “slave states.”	~~to be “free states,” while the southern states wanted the new states to be “slave states.”~~
		Events leading to secession and war ● Abolitionists, The Fugitive Slave Act and the Underground Railroad were all contributing factors to the Civil War because most white southerners strongly believed they had the right to slavery
VS.7b	Major Civil War battles fought in Virginia	Major Civil War Events ~~battles fought~~ in Virginia ● The Confederates were using slaves to help them in the war effort. Three men (Shepherd Mallory, James Baker, and Frank Townsend) refused and escaped to Fort Monroe, this led to the Contraband decision, which led to tens of thousands of enslaved people to seek refuge with the Union Army
VS.7c	Varied roles of American Indians, whites, enslaved African Americans, and free African Americans during the Civil War ● Many enslaved African Americans sought freedom by following the Union Army, where many found work. ● Clara Barton, a Civil War nurse, created the American Red Cross.	Varied experiences ~~roles~~ of American Indians, whites, enslaved African Americans, and free African Americans during the Civil War ● Many enslaved African Americans sought freedom by following the Union Army, where many found work. African American soldiers were paid less than white soldiers. ● Clara Barton, a Civil War nurse, created the American Red Cross. Harriet Tubman, an abolitionist and political activist, and conductor on the Underground Railroad. Elizabeth Van Lew, a Virginia abolitionist and spy for the Union Army. Mary Bowser was an African American Union spy. ● Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He was elected to the United States House of Representatives after the war.
VS.8a	Problems faced by Virginians during Reconstruction ● Hundreds of thousands of freed African Americans needed housing, education, clothing, food, and jobs. ● Virginia’s economy was in ruins: ○ Money had no value. ○ Banks were closed. ○ Railroads, bridges, plantations, and crops were destroyed. ○ Businesses needed to be rebuilt. Measures taken to resolve problems The Freedmen’s Bureau was a federal government agency that provided food, public schools, and medical care for freed African Americans and others in Virginia. ● Sharecropping was a system common in Virginia after the war in which freedmen and poor white farmers rented land from landowners by promising to pay the owners with	Problems faced by Virginians during Reconstruction ● African Americans faced injustice, increased violence, and discrimination immediately after the end of slavery Measures taken to resolve problems ● Sharecropping was a system with unfair practices that locked people into poverty. Sharecropping was common in Virginia after the war; ~~in which~~ freedmen and poor white farmers rented land from landowners by promising to pay the owners with a share of the crops. ● African Americans pushed for education for their children. This directly resulted in Freedom’s First Generation of who some became doctors, lawyers, and teachers. African Americans saw education as a path to greater opportunities. Despite the obstacles they faced, many African Americans achieved excellence.

AMERICAN OVERSIGHT

	a share of the crops	
VS.8b	During Reconstruction, African Americans began to have power in Virginia's government, and black and white men could vote and hold office.	During Reconstruction, African Americans began to have power in Virginia's government, and black and white men could vote and hold office. Black Virginians led the fight for the first public school system in Virginia. John Mercer Langston was an important African American leader before, during, and after the Civil War ● Free black from Louisa County, Virginia who was educated in Ohio and became a lawyer in the North ● Abolitionist who participated in the Underground Railroad in Ohio ● Recruited black volunteers to serve as soldiers in the Union Army during the Civil War ● Returned to Virginia after the Civil War and became the President of a new black college in Petersburg later known as "Virginia State University" ● First African American elected to the U.S. Congress from Virginia
	After Reconstruction, these gains were lost when "Jim Crow" laws were passed by southern states. "Jim Crow" laws legally established segregation, or separation of the races, and reinforced prejudices held by whites.	After Reconstruction, these gains were ~~lost~~ taken away through violence, intimidation, and when "Jim Crow" laws were passed by southern states. "Jim Crow" laws legally established segregation, or separation of the races, and reinforced prejudices held by whites.

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/2/2022 3:16:35 PM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc:
Subject: New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

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New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

https://thefederalist.com/2022/03/01/new-report-shatters-media-lie-that-crt-isnt-taught-in-virginia-schools/

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 2/14/2022 1:38:58 PM
To: elizabeth.schultz@doe.virginia.gov
Cc:
Subject: Program Briefing - Resource

Attachments: Resource - Program Briefing.docx

AMERICAN OVERSIGHT

Virginian Math Pathway Initiative (VMPI)

VMPI cited a 2018 study from the National Council of Teachers of Mathematics (NCTM): Catalyzing Change in High School Mathematics – Initiating Critical Conversations as its origin, which made the following key recommendations:

- High school mathematics should *discontinue the practice of tracking teachers as well as the practice of tracking students into qualitatively different or dead-end course pathways*.

- Classroom instruction should be consistent with research-informed and *equitable teaching* practices.

- High schools should offer continuous four-year mathematics pathways with all students studying mathematics each year, *including two to three years of mathematics in a common shared pathway* focusing on the Essential Concepts, to ensure the highest-quality mathematics education for all students.

Although the VMPI's website shows, "VMPI would still allow for student acceleration in mathematics content according to ability and achievement," all the additional resources cited by VMPI clearly promote de-tracking and equitable learning outcomes:

- The Case for Mathematics Pathways – "[T]raditional placement models disproportionately impact students of color and low-income students." "Mathematics is an obstacle to degree completion and equitable outcomes for millions of students."

- Closing the Opportunity Gap: A Call for Detracking Mathematics – "Tracking is a form of de facto segregation as students in higher tracks have historically been predominantly White or Asian American from affluent families, whereas students in lower tracks have been primarily students of color and students who are economically disadvantaged." "Teachers of mathematics should: Teach according to equity-based instructional practices."

- Reimagining Mathematics Education – "Mathematics pathways, and the structures and practices associated with them, should be designed to eliminate tracking and implicit and explicit bias and to take actions to address problems quickly." "Access to advanced courses is often influenced by race or family income."

- Mathematics Education Through the Lens of Social Justice: Acknowledgment, Actions, and Accountability – "Mathematics teachers and leaders must acknowledge that the current mathematics education system is unjust and grounded in a legacy of institutional discrimination based on race, ethnicity, class, and gender." "Mathematics achievement, often measured by standardized tests, has been used as a gatekeeping tool to sort and rank students by race, class, and gender starting in elementary school."

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The current structure of VMPI would put all students on the same math courses through 10th grade regardless of their abilities. My 8th grade daughter is taking Geometry. My 10th grade son is taking Pre-Calculus. VMPI would put both of my children one year behind their current math studies, and put some of their friends two, even three years behind. Our education policies should not hold back our best students and future scientists.

Additional information: We recommend disbanding the current VMPI working group and establishing a new one to update the current math curriculum as required by the Virginia law. I would like to recommend a subject matter expert on high school math curriculum for the new working group, Mr. Vern Williams, who is one of the best high school math teachers in the country, a strong opponent of VMPI, a former member of the Educators for Youngkin Coalition, and a veteran FCPS math teacher of forty+ years. Mr. William is currently teaching at BASIS Independent School in McLean.

Cultural Competency Training

In November 2021, the Virginia Board of Education issued and is currently seeking public comments on the draft Guidance on Cultural Competency Training for Teachers and Other Licensed School Board Employees in Virginia Public Schools ("Guidance"). The guideline will become effective on January 5. The public comments received can be found here. Nearly all the comments are against this guidance calling it a CRT training.

John R. Lewis Leadership Program at Lewis High School

Along the same line with the Cultural Competency Training, FCPS announced the creation of John R. Lewis Leadership Program at Lewis High School on December 17, 2020. The Fairfax County School Board voted for this program in a closed-door work session. This program's mission is "democratizing education through equity and inclusion." Several parent organizations believe that this program is designed to train our students to be social justice warriors, and it will de-emphasis STEM education.

According to the program's website (Lewis Academy Now), its brochure (attached), its petition (Lewis Academy Petition Nov 2021 (jotform.com), and Fairfax County School Board member Ms. Keys-Gamarra's webpage, this program's mission is "democratizing education through equity and inclusion." The program claims to operate under the framework that "intentionally consider[s] equity when making policies or delivering programs and services."

I met with the champion for this program, Ms. Keys-Gamarra, when she was seeking support from my organization, Chinese American Parent Association of Northern Virginia. She made it clear that this program at John Lewis HS will be a pilot for propagating the program throughout FCPS, and an example for other school divisions.

This program is sponsored by the TJ Alumni Action Group, which advocated for the Thomas Jefferson High School for Science and Technology (a governor school) admission change that removed the merit-based, race-blind admission test to a quota system citing racial inequity. The proposed initial Year 1 funding for this program at John Lewis HS is $377,000.

AMERICAN OVERSIGHT

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/19/2022 5:17:57 PM
To: "Mary Prentice" <drmprentice@gmail.com>
Cc:
Subject: Re: African american history course needs help and revision and diversity of viewpoints too full of left wing only propaganda that is divisive

Attachments: image.png

Mary:
The images embedded below did not come through.
Can you please resend the pictures as attachments?
Thank you,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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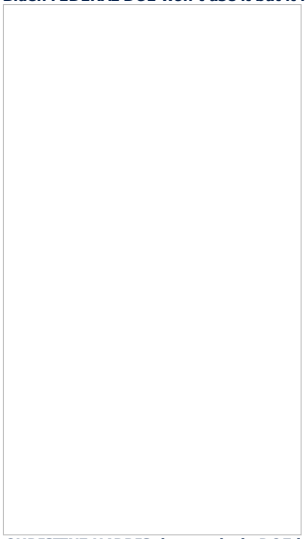
On Thu, Mar 17, 2022 at 1:22 AM Mary Prentice <drmprentice@gmail.com> wrote:

> Great seeing you Elizabeth at the School board summit in Lynchburg and I am thrilled to have you, Dicky, and Jillian in leadership positions, we desperately need your help to restore DOE to seeking excellence again. I know most of us in social science education do not want to see our schools be used by marxist as marxist indoctrination camps. So many of us parents and citizens are cheering you all on and so thankful for your great work to weed out and get rid of the divisive curriculum and propaganda in the schools that has no place in excellent education.
>
> I just watched Jillian discussed reading and literacy.
>
> I mentioned Elizabeth I would give you insight into some problems with the current version of african american history course so hopefully it can be improved upon before the left tries to make it a graduation requirement for all students in VA which is the goal. I have 800 pages of documentation on how one sided this course is and it needs less divisive and better content. Also concerned with webinar's equity dept did last year that was DIVISIVE and RACIST and promoted a cop hating organization Black lives matter in schools particularly in this new AFRICAN american HISTORY course. I have taught african american social studies and know how it should be done and unfortunately the Virginia course is done from A VERY LEFT WING only indoctrination perspective sadly and VIRGINIA high schoolers deserve better. SEE HOW below VA's DOE pushed the incorporation of Black lives matter (founded by three marxists) curriculum in the schools through these DOE webinars and I am sure equity head ROSA Adkins supported this leftist incorporation because she chaired the very commission that developed this left wing divisive course and again I am fine of course with African american history being taught but it should be taught from DIVERSE viewpoints using DIVERSE not left wing only resources. BUT it should not include the incorporation of BLACK LIVES matter a divisive group calling Christians the enemy and that is all about dividing people into victims and oppressors and yet the VERY WOMAN that designed the videos for the VA virtual school was a BLM supporter listed on slide below ANTOINETTE DEMPSEY WATERS an arlington teacher. See her name on slide below that was webinar offered by EQUITY DEPT at DOE
>
> 05D5AD81-9E2F-407B-B245-554C5C736EB3.jpeg
>
> It is very important to revisit the resource suggestion list of the african american course that drafters want to make required for graduation because it's resource list is extremely one sided and divisive and doesn't allow diverse resources at all just leftist propaganda see picture below from resource list:
>
> I would prefer to see resources recommended by DOE that are rich and edifying, patriotic freedom loving, unifying and they would be better than every resource on the one sided resource list of the course so check out and promote this curriculum I hope and pray that you will seriously consider recommending this curriculum be highlighted in the african american history course https://1776unites.com/our-work/curriculum/

AMERICAN OVERSIGHT

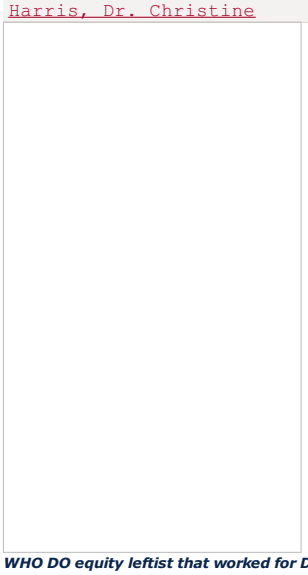
Why can't DOE promote something unifying like 1776 unites https://1776unites.com/our-work/curriculum/ Instead the african american history course is promoting: Ayers, 1619 project and zinn ed (fake history from communist to promote revolution) are currently recommended on the resource list below for the african american history course as is THE DIVISIVE COURAGEOUS conversations curriculum that is very divisive promoting idea that if you are color blind then you are a racist for being colorblind and that divides students by race and considers whites oppressors and blacks victims and BIPOCS.

Hammond is divisive and Kendi's and his antiracism is VERY DIVISIVE and he is so DUMB he even considers all white babies and white toddlers to be RACIST his material should never be as it currently is on the Resources to support implementation list for an african american history course DOE PROMOTES. DiAngelo is divisive. Bettina Love's work is so divisive that even the leftist Biden FEDERAL DOE won't use it but it is promoted in DOE's african american history course and webinar see proof below:



CHRISTINE HARRIS that works in DOE is clearly a leftist and should not HAVE OVERSIGHT Of history curriculum due to her one sided LOVE for a marxist founded organization that wants to kill (pigs in blanket fry them like bacon) disregard for life of police: very concerned to see this woman that shows on her own social media page that she likes BLM resources.

Office of Humanities		
Harris, Dr. Christine	Director	804-786-3925



WHO DO equity leftist that worked for DOE support MALCOLM EX a hate filled divisive radical. Part of the african american history course devised by Rosa Atkins oversaw it leftist in equity office with help of blm supporter Antoinette Dempsey waters: Arlington teacher VIDEOS she created for VA virtual school you should watch all the ones created by Antoinette Dempsey waters a pro marxist oriented divisive radical. https://wjla.com/news/local/arlington-teacher-helps-create-virginias-new-high-school-african-american-history-course

WHO CHAIRED the african american history course development: DOE's very own Rosa Atkins. The commission is chaired by Derrick Alridge, director of the Center for Race and Public Education in the South at the University of Virginia; Cassandra Newby-Alexander, dean of the college of liberal arts at Norfolk State University.

DANGER Is course is TOTALLY One sided and does not include diverse resources only leftist resources, they would not take suggestions for better resources like 1776 unites.

Virginia state commission recommends African American ...https://thehill.com/homenews/514630-virginia-state-commission-recommends-african-american-history-be-made-a-graduation

https://thehill.com › homenews › 514630-virginia-state-...

Sep 1, 2020 — **Virginia state commission recommends African American history be made a graduation requirement for students .**.. therefore this course must be made better and allow diverse perspectives and include much better unifying curriculum like by civil rights leader Woodson

NOTICE WHO LOVES malcolm X and WANTS to USE EDUCATION to promote a left wing revolution DOE's own history and social studies head I was so upset to see that she still oversees history in DOE

Brown, Christonya	History & Social Science Education Coordinator SHE SHOULD not have a position in DOE overseeing education unless you want a complete revolutionary one sided leftist in charge of history in DOE. Cristonya

Christonya was INSTRUMENTAL in creating all the toxic and divisive content in DOE's equity plan: Christonya Brown, History & Social Science Coordinator her name in equity document
https://www.doe.virginia.gov/edequityva/navigating-equity-book.pdf
This is what DOE staff Christonya posts on her twitter page:

What crazy stuff does DOE employee Christonya who oversees history believe that for people to have met with TRUMP is she suggesting they are treasonous sounds pretty extreme partisan I would never trust her with walking a dog let alone her position overseeing history for the whole state of VA. Virginia deserves better.

Praying DOE will promote excellence and weed itself by deleting the whole DIVISIVE equity department and replacing the leftist history leaders with actual balanced and professional history leaders not left wing divisive radical ideologues.

Thanks for all the great work you are doing Elizabeth and praying for you, Jillian and Dicky's work to weed out divisive curriculum.

Blessings, Mary Prentice, Ph.D., MSLS

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
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elizabeth.schultz@doe.virginia.gov

← **Christonya B Brown**
908 Tweets

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Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103–322, title XXXIII, §330016(2)(J), Sept. 13, 1994, 108 Stat. 2148.)

10

Christonya B Brown @BChristonya · Nov 1, 2020

Do your homework! Response to Black Pastors Meeting with Trump youtu.be/78-RUPIZOv4 via @YouTube @icecube @rolandsmartin

youtube.com
Do your homework! Response to Black Pastors Me...
I haven't been to a church in eons but this Dr. Kevin Murriel was PREACHING that truth.

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 10:18:29 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Subject: Re: Article: WaPo

Thank you for sharing.

On Tue, Feb 15, 2022 at 7:05 AM Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov> wrote:

> Of interest
>
> https://www.washingtonpost.com/education/2022/02/14/critical-race-theory-teachers-fear-laws/

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 10:42:04 AM
To: "Christopher Mohrman" <cmohrman@kereonllc.com>
Cc:
Subject: Re: CCSSO discussion?

Christopher:
Thank you very much for the invitation. Jillian and I can make either Noon or 1 pm work with the CCSSO schedule and the speaking engagement I have that afternoon.
I hope we can also discuss the need for alternate sources to produce much-needed curriculum and teacher professional development materials; this would build on the conversation that Dicky Shanor - Jillian's Chief of Staff - and I had with Allen B., during which Allen suggested a follow-on discussion with Dr. Bennett.
Please let me know which time is preferable for you both.
Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
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On Mon, Mar 21, 2022 at 9:37 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> Christopher:
> I need to be in Reston by 2:45 for the Lieutenant Governor's keynote at 3:05, with my panel with Senator Hashmi from 3:45-4:35, so would need to do on the earlier side of that slot.
> I will check on Jillian's schedule and get back to you quickly.
> ELS
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
> CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*
>
> On Mon, Mar 21, 2022 at 3:07 PM Christopher Mohrman <cmohrman@kereonllc.com> wrote:
> > No Worries on the name. I'll let him know about Allen B.... At this point we could do anything that would work for you and Jillian between noon and 4.
> >
> > If it weren't Sunday it would take you that long to go to Reston and back! But on a Sunday shouldn't be so bad...we know at 4 is the meeting with the current Secretary of Ed so assuming that will take folks at that point.
> >
> > Anything in that window (noon to 4) we might be able to nail down. As I mentioned we will be in a meeting suite at the Hilton meeting site.
> >
> > CCM
> >
> > On Mon, Mar 21, 2022 at 2:59 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> > > Chri:
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> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
> > > Richmond, Virginia 23219
> > > 804-658-6043
> > > elizabeth.schultz@doe.virginia.gov
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AMERICAN OVERSIGHT

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> > > 202-802-4250
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elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/21/2022 9:37:18 PM
To: "Christopher Mohrman" <cmohrman@kereonllc.com>
Cc:
Subject: Re: CCSSO discussion?

Christopher:
I need to be in Reston by 2:45 for the Lieutenant Governor's keynote at 3:05, with my panel with Senator Hashmi from 3:45-4:35, so would need to do on the earlier side of that slot.
I will check on Jillian's schedule and get back to you quickly.
ELS

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On Mon, Mar 21, 2022 at 3:07 PM Christopher Mohrman <cmohrman@kereonllc.com> wrote:
> No Worries on the name. I'll let him know about Allen B.... At this point we could do anything that would work for you and Jillian between noon and 4.
>
> If it weren't Sunday it would take you that long to go to Reston and back! But on a Sunday shouldn't be so bad...we know at 4 is the meeting with the current Secretary of Ed so assuming that will take folks at that point.
>
> Anything in that window (noon to 4) we might be able to nail down. As I mentioned we will be in a meeting suite at the Hilton meeting site.
>
> CCM
>
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AMERICAN OVERSIGHT

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Sent: 3/21/2022 3:00:09 PM
To: "Christopher Mohrman" <cmohrman@kereonllc.com>
Cc:
Subject: Re: CCSSO discussion?

---

*Christopher (sorry - tech monsters deleted half your name!)

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AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/8/2022 12:29:20 PM
To: "Mark Spooner" <spoonma1@verizon.net>
Cc:
Subject: Re: Critical Race Theory in Fairfax Va Schools

Mr. Spooner:
Thank you for your outreach and sharing the below information.
Parental engagement is a key component to the success of education going forward in the Commonwealth.
Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Tue, Feb 8, 2022 at 10:25 AM Mark Spooner <spoonma1@verizon.net> wrote:

> Ms. Schultz: You may be interested in the linked articles on my website/blog: fairfaxschoolsmonitor.com.
> I would like to assist your efforts in any way I can.
>
> Mark Spooner
>
> https://fairfaxschoolsmonitor.com/fairfax-countys-race-centric-curriculum-for-us-history/
>
> https://fairfaxschoolsmonitor.com/revealing-dialogue-with-a-school-board-member/

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/14/2022 11:04:13 AM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

---

on - waiting to join you.

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On Mon, Feb 14, 2022 at 9:52 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> We are scheduled to meet at 10:00 a.m. this morning. Join us if you are able. If you need us to schedule a separate meeting later today, please let us know.
>
> Thank you!
> Rebecca Askew
>
> Office of Policy is inviting you to a scheduled Zoom meeting.
>
> Topic: FOIA Check-in
> Time: This is a recurring meeting Meet anytime
>
> Join Zoom Meeting
> https://doe-virginia-gov.zoom.us/j/82677181246?pwd=MDZyaURFWUNRRUJJOUJGNnRrd2NEdz09
>
> Meeting ID: [redacted]
> Passcode: [redacted]
> One tap mobile
> +16465588656,,82677181246#,,,,*043410# US (New York)
> +13017158592,,82677181246#,,,,*043410# US (Washington DC)
>
> Dial by your location
> +1 646 558 8656 US (New York)
> +1 301 715 8592 US (Washington DC)
> +1 312 626 6799 US (Chicago)
> +1 669 900 9128 US (San Jose)
> +1 253 215 8782 US (Tacoma)
> +1 346 248 7799 US (Houston)
> 877 853 5257 US Toll-free
> 888 475 4499 US Toll-free
> Meeting ID: 826 7718 1246
> Passcode: 043410
> Find your local number: https://doe-virginia-gov.zoom.us/u/kH5wjpZp9
>
> On Mon, Feb 14, 2022 at 9:03 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > Thanks Rebecca. Do you all have time to do a Zoom today to discuss our process? I want to make sure we don't miss anything with all the parties involved in this process.
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> > On Mon, Feb 14, 2022 at 7:01 AM FOIA, rr <foia@doe.virginia.gov> wrote:
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> > > Would you like to continue receiving (and sending to the Governor's Office) all FOIA's that the Policy Office receives? Or just those related to the Supt's Office, agency-wide FOIA, and hot topics?
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> > > Sincerely,
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> > >
> > >
> > >
> > > On Thu, Feb 10, 2022 at 9:15 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > Team,
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> > > > > > > Dicky,
> > > > > > >
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AMERICAN OVERSIGHT

Thank you!
Rebecca Askew

On Tue, Feb 8, 2022 at 4:57 PM FOIA, rr <foia@doe.virginia.gov> wrote:
Good afternoon,

Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.

Sincerely,
Rebecca Askew

---------- Forwarded message ---------
From: **Ben Paviour** <bpaviour@vpm.org>
Date: Tue, Feb 8, 2022 at 4:20 PM
Subject: FOIA request - VPM
To: FOIA, rr <foia@doe.virginia.gov>

Hi Rebecca,

I'd like to request the following records:

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2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.

Please let me know if there will be any costs associated with this request or if you have any questions.

Best,
Ben

Ben Paviour
State Politics Reporter
Phone 434.282.9472

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23 Sesame Street, Richmond, Virginia 23235
VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

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Sent: 2/14/2022 11:02:55 AM
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> +13017158592,,82677181246#,,,,*043410# US (Washington DC)
>
> Dial by your location
> +1 646 558 8656 US (New York)
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> Good morning, ? Or
>
> Would you like to continue receiving (and sending to the Governor's Office) all FOIA's that the Policy Office receives? Or just those related to the Supt's Office, agency-wide FOIA, and hot topics?
>
> Please know that the Policy Office does not handle every FOIA request sent to VDOE. If one of our Divisions receive a request that is specific to their office (noncontroversial, does not require an email search, and is for records that are requested routinely) that office responds directly to the requester and Policy is not involved unless a cost is incurred.
>
> Sincerely,
> Rebecca S. Askew
>
>
>
> On Thu, Feb 10, 2022 at 9:15 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > Team,
> >
> > We just sent a lot of these over, thank you for doing that. In order to stay on top of our deadlines, each morning can you please send an email out with the requests that are running up on the deadline?
> >
> > On Thu, Feb 10, 2022 at 9:04 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > I am in the office all day today. Let me know when you want to chat.
> > >
> > > Rebecca A.
> > >
> > > On Wed, Feb 9, 2022 at 9:57 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > Let's chat in the morning please.
> > > >
> > > > On Wed, Feb 9, 2022 at 3:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > > > Dicky,
> > > > >
> > > > > I am following up on this FOIA request. Can Dave move forward with an email search?
> > > > >
> > > > > Thank you!
> > > > > Rebecca Askew
> > > > >
> > > > > On Tue, Feb 8, 2022 at 4:57 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > > > > > Good afternoon,
> > > > > >
> > > > > > Please see the new FOIA request from Ben. Paviour. I am seeking approval that Dave Myers conduct the appropriate email search for responsive correspondence and responsive emails.
> > > > > >
> > > > > > Sincerely,
> > > > > > Rebecca Askew
> > > > > >
> > > > > > ---------- Forwarded message ---------
> > > > > > From: **Ben Paviour** <bpaviour@vpm.org>
> > > > > > Date: Tue, Feb 8, 2022 at 4:20 PM
> > > > > > Subject: FOIA request - VPM
> > > > > > To: FOIA, rr <foia@doe.virginia.gov>
> > > > > >
> > > > > >
> > > > > > Hi Rebecca,
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> > > > > > 2. Any email correspondence to or from Dicky Shanor, Elizabeth Shultz, or Jillian Balow with the words "tip line" "tipline" or "helpeducation@governor.virginia.gov" from 1/21/22 through 2/8/22.
> > > > > >
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> > > > > >
> > > > > > Best,
> > > > > > Ben
> > > > > >
> > > > > >
> > > > > > **Ben Paviour**
> > > > > > State Politics Reporter
> > > > > > Phone 434.282.9472
> > > > > >
> > > > > > **VPM** | Virginia's home for public media
> > > > > > 23 Sesame Street, Richmond, Virginia 23235
> > > > > > VPM.org | @myVPM on Facebook, Twitter and Instagram

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/10/2022 10:15:41 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Team,

We just sent a lot of these over, thank you for doing that. In order to stay on top of our deadlines, each morning can you please send an email out with the requests that are running up on the deadline?

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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/9/2022 10:56:57 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Let's chat in the morning please.

On Wed, Feb 9, 2022 at 3:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:

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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 12:19:42 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>
Subject: Re: FOIA request - VPM

Yes, please proceed. And invoke extension.

On Wed, Feb 16, 2022 at 9:19 AM FOIA, rr <foia@doe.virginia.gov> wrote:
> Following up on this one. Can Dave move forward with his email search? There are similar FOIA requests, however, the date range is a little different.
>
> Rebecca Askew
>
> On Wed, Feb 9, 2022 at 5:32 PM FOIA, rr <foia@doe.virginia.gov> wrote:
> > Dicky,
> >
> > I am following up on this FOIA request. Can Dave move forward with an email search?
> >
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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/2/2022 10:16:48 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Leslie Sale" <leslie.sale@doe.virginia.gov>, "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: FOIA Request

Approved, thanks.

On Wed, Feb 2, 2022 at 2:14 PM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good afternoon:
>
> Please see below for the second FOIA request we received this afternoon, which is seeking copies of all helpeducation@governor.virginia.gov emails that have been passed on to VDOE. At your earliest opportunity, I kindly request that you advise whether you approve of an agency-wide email search for any responsive records.
>
> Thank you in advance for your help!
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Maggie Reeder-Thornton** <margaret.e.thornton@gmail.com>
> Date: Wed, Feb 2, 2022 at 3:38 PM
> Subject: FOIA Request
> To: <foia@doe.virginia.gov>
>
>
> Hello!
>
> I am writing to please request all of the emails sent to helpeducation@governor.virginia.gov passed on to your office. Electronic records will suffice. Under § 2.2-3700 you have 5 days to respond, so I'm looking forward to hearing from you by then!
>
> With thanks,
> Margaret Thornton
> 332 10 1/2 St. NW
> Charlottesville, VA 22903
> --
> Maggie Reeder-Thornton, Ph.D.
> Check out CHS's classroom projects: https://www.donorschoose.org/school/charlottesville-high-school/34678/?teachers=true
> she/her/hers (What is this?)

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 10:06:33 AM
To: "Sarah Spota" <sarah.spota@governor.virginia.gov>
Cc: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Bean, Jennifer" <jennifer.bean@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>, "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>, "Stewart, Coke M." <CStewart@oag.state.va.us>, "Tysinger, Allyson K." <ATysinger@oag.state.va.us>, "Love, Deborah A." <DLove@oag.state.va.us>
Subject: Re: Fort Belvoir Elementary students required to wear masks despite Virginia's executive order

---

Thank you for sharing

On Wed, Mar 2, 2022 at 7:40 AM Sarah Spota <sarah.spota@governor.virginia.gov> wrote:

> Just know that this story will start picking up more steam.
>
> Fort Belvoir Elementary students required to wear masks despite Virginia's executive order
>
> https://www.fox5dc.com/news/fort-belvoir-elementary-students-required-to-wear-masks-despite-virginias-executive-order

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 10:52:17 PM
To: "Mary Prentice" <drmprentice@gmail.com>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Re: Hope you find the document helpful

Mary:
Thank you for sharing the comprehensive insights on VDOE resources and curriculum. The time to compile this compendium is greatly appreciated.
Please note, I have shared by way of cc with Superintendent Balow's Senior Advisor, Jon Russell.
Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

On Tue, Mar 22, 2022 at 9:19 PM Mary Prentice <drmprentice@gmail.com> wrote:

> Hi Elizabeth,
>
> I am attaching a document with the images you asked for and what I hope you find to be very valuable information to help in the revision of the african american history course, curriculum, etc. and the attached document is called:
> "ElizabethSchultzDOEVAAfricanamericanhistorycoursenewIST"
>
> I hope you find the document helpful with many images and serious concerns I have with current african american history course.
>
> I would love to see DOE and state of VA promote and NOT EXCLUDE the very best African American history curriculum and they are currently excluding the 1776 unites material probably because it's patriotic and excellent and it is NOT divisive but unifying and uplifting and accurate https://1776unites.com/our-work/curriculum/ and this curriculum is promoted by great civil rights hero and leader Dr. Woodson who we were fortunate to have speak a couple years ago at Liberty University during black history month. Robert Woodson, creator of a new form of curriculum supported by the conservative groups called 1776 Unites, said the political left has "hijacked the rich moral authority of the Civil Rights movement" by supporting the race theory. Woodson's work is nicely aligned with Angela Sailor's work that works for Virginia and used to work for Heritage foundation and they are both against the victimhood false history narrative of the left that poisons our country: Another member of the Heritage Foundation, Angela Sailor, spoke on the messaging needed to keep the public aware of the concepts the foundation feels are "the doctrine of victimhood."
> Matter of fact Youngkin's appointee Secretary of the Commonwealth Kay James awarded Robert Woodson who helped with 1776 african American history curriculum for his work:
>
> https://www.youtube.com/watch?v=QAio7R4TWiA
> In this youtube video you will see James and Woodson: https://www.youtube.com/watch?v=QAio7R4TWiA
> Angela Sailor we hosted at Liberty last year and she does excellent work. Please see attached document with pictures and valuable information to help DOE remove divisive content.
>
> Please confirm receipt of attached document Elizabeth so I know you received it?
>
> Blessings, Mary Prentice

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/12/2022 11:47:40 AM
To: "Joshua Rasnick" <jfras08@yahoo.com>
Cc:
Subject: Re: Mask mandate on school bus

Mr. Rasnick:
Thank you for your outreach and inquiry.

Please note, there is a federal requirement to wear masks on school buses at this time. Per the U.S. Department of Transportation:

https://www.transportation.gov/safety/mask-travel-guidance#:~:text=wear%20a%20mask%3F-,Yes.,required%20to%20wear%20a%20mask

School bus operators, including operations by public school districts, and their passengers are required to wear masks as defined by the Order issued by the Centers for Disease Control and Prevention (CDC).

The CDC Order provides only limited exemptions to the mask requirement for certain small categories of individuals, including: children under the age of 2; persons with disabilities who cannot wear a mask, or cannot safely wear a mask because of a disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.); and persons for whom wearing a mask would create a risk to workplace health, safety, or job duty.

In an FAQ concerning the CDC Order, the CDC states that passengers and drivers on school buses must wear a mask unless the driver is the only person on the bus. This requirement applies to all school buses whether publicly or privately owned.

Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
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Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Wed, Feb 9, 2022 at 9:39 AM Joshua Rasnick <jfras08@yahoo.com> wrote:

> Mrs. Schultz
> My name is Joshua Rasnick I'm a parent in Dickenson county Virginia. I wanted to ask you if there is a federal mandate to wear a mask on a school bus.
>
> Thanks
> Josh

--

Elizabeth L. Schultz
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AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/16/2022 11:44:04 AM
To: "Joshua Rasnick" <jfras08@yahoo.com>
Cc:
Subject: Re: Mask mandate on school bus

Attachments: IMG_8937.jpeg ,IMG_8938.jpeg

Joshua:
Thank you for the information - I will ensure it is appropriately shared for further insight and consideration.
Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
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elizabeth.schultz@doe.virginia.gov

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On Wed, Feb 16, 2022 at 9:35 AM Joshua Rasnick <jfras08@yahoo.com> wrote:
Thank you for responding to my email. I know you have a busy schedule.

Please read below

So if we have kids that don't wear a mask on a bus will they be breaking federal law and face possibility of a fine?? What about kids that have a religious exemption from wearing a mask in school. Are they required to wear a mask??

I didn't know the cdc could create law. I thought Congress did that. On the cdc order it talks about public transportation but is a school bus public transportation??
If you lookup United States Code title 49 chapter 53 section 5302 definitions (15) public transportation you can see what I'm talking about. I'll send the link as well.

https://uscode.house.gov/view.xhtml?path=/prelim@title49/subtitle3/chapter53&edition=prelim

https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-promoting-covid-19-safety-in-domestic-and-international-travel/?fbclid=IwAR3q9G7_f0k_j44PT8eEAswqZY-q42t_JXHNa9NXl9WwOFGX-qva3ldQoTg

Thanks
Joshua Rasnick

> On Feb 14, 2022, at 2:57 PM, Joshua Rasnick <jfras08@yahoo.com> wrote:
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
> **Date:** February 12, 2022 at 10:47:52 AM EST
> **To:** Joshua Rasnick <jfras08@yahoo.com>
> **Subject: Re: Mask mandate on school bus**
>
> Mr. Rasnick:
> Thank you for your outreach and inquiry.
>
> Please note, there is a federal requirement to wear masks on school buses at this time. Per the U.S. Department of Transportation:
>
> https://www.transportation.gov/safety/mask-travel-guidance#:~:text=wear%20a%20mask%3F-,Yes.,required%20to%20wear%20a%20mask
>
> School bus operators, including operations by public school districts, and their passengers are required to wear masks as defined by the Order issued by the Centers for Disease Control and Prevention (CDC).
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> **Elizabeth L. Schultz**
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> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

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> Thanks
> Josh

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AMERICAN OVERSIGHT

Attorney Tim Anderson
5m ·

In my legal opinion - kids are not mandated by President Biden to wear masks on school buses. Once SB739 is signed - children should not have to wear masks on school buses either.

Here is why:

Biden's executive order is here: https://bit.ly/3JtVTX6

Related to buses, (v) and (vi) of the order are the only two things that apply -

(v) is for intercity bus service. If your school bus does not go between cities (which is highly likely) then (v) does not apply.

(vi) - All forms of public transportation as defined by 49 USC 5302. (Code Here: https://bit.ly/3oSr8mG) - school buses are exempt.

49 USC 5302 -
(14)Public transportation.—The term "public transportation"—
(A)means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and
(B)does not include—
(i)intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);
(ii)intercity bus service;
(iii)charter bus service;
(iv)school bus service;
⭐⭐⭐⭐⭐⭐⭐⭐⭐⭐⭐⭐⭐⭐
(v)sightseeing service;

AMERICAN OVERSIGHT

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(i)intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);
(ii)intercity bus service;
(iii)charter bus service;
(iv)school bus service;

(v)sightseeing service;
(vi)courtesy shuttle service for patrons of one or more specific establishments; or
(vii)intra-terminal or intra-facility shuttle services.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001083

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 6:01:06 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Subject: Re: New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

---

Very interesting, thanks for sharing.

On Wed, Mar 2, 2022 at 2:16 PM Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov> wrote:

> New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools
>
> https://thefederalist.com/2022/03/01/new-report-shatters-media-lie-that-crt-isnt-taught-in-virginia-schools/

AMERICAN OVERSIGHT

From: Saxton, Richard <dicky.saxton@doe.virginia.gov>
Sent: 3/15/2022 9:29:25 AM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc: "Below, Gillian" <gillian.below@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Political Headlines from across Virginia

done, thanks.

On Tue, Mar 15, 2022 at 8:36 AM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:
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Charles S. Pyle
Director of Communications and Constituent Services
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Cell: (804) 663-2117
Office: (804) 371-2420

---------- Forwarded message ---------
From: **VaNews** <vanews@vpap.org>
Date: Tue, Mar 15, 2022, 7:21 AM
Subject: Political Headlines from across Virginia
To: <Charles.Pyle@doe.virginia.gov>

VaNews

March 15, 2022

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Top of the News

GOP seeks funding for Youngkin's lab schools push

By MEL LEONOR, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Gov. Glenn Youngkin ran on a promise to expand school choice in Virginia. But after a series of proposals were defeated in the legislature, his current chances for success will come down to 11th-hour negotiations for money to temporarily fund the operations of a handful of new schools. The governor's only remaining bill to usher in more privately run public schools would expand the ability of colleges and universities to open and operate "lab schools," using public dollars to foster innovation in education.

Ex-EPA leader Wheeler to serve as adviser to Youngkin

By SARAH RANKIN, Associated Press

Andrew Wheeler, the former Trump administration Environmental Protection Agency administrator, will serve as a senior adviser to Republican Gov. Glenn Youngkin's administration after Senate Democrats rejected his appointment to a Cabinet role. Wheeler had been nominated to oversee environmental and other policy issues as secretary of natural and historic resources. Travis Voyles, previously the deputy secretary of natural and historic resources, will serve as acting secretary while Wheeler takes on the advisory role, Youngkin spokeswoman Macaulay Porter said.

A Virginia gun bill had support from gun-control groups and the NRA. It still failed.

By GRAHAM MOOMAW, Virginia Mercury

At a legislative hearing last month, something so unusual happened some in the room joked it should go down as an important moment in history: The NRA and gun-control groups agreed a Democratic gun bill was good enough to make it through a Republican committee. "So Jesus is coming any minute," quipped Del. Nick Freitas, R-Culpeper, as the committee advanced the bill creating clearer punishments for people caught with firearms that have been made untraceable by having their serial numbers filed off. But the miracle turned out to be a mirage.

D.C. Mayor Won't Match Virginia Bid for Commanders Football Team

By EMMA KINERY, Bloomberg

Bringing the Washington Commanders football team to D.C. is a priority for the district, but not one big enough for its mayor to match the billion-dollar proposal Virginia has offered. "At some point, I'm going to move on from it," said Washington, D.C. Mayor Muriel Bowser in an interview with Bloomberg News on Monday. Bowser said drawing the team to the city it's named after is important but that the city wouldn't be able to match a bid from Virginia, which has offered the Commanders $1 billion and a cut of sales tax revenue if it moves to the state.

Solar groups say $55 minimum bill for shared solar is 'unworkable'

By SARAH VOGELSONG, Virginia Mercury

Solar advocacy groups say a Virginia regulator's recommendation that Dominion Energy charge ratepayers who sign up for a new community solar program a minimum monthly bill of $55 would be the highest such charge in the nation and would hobble the program by making it too expensive The minimum bill "will severely undermine the ability to attract customers if they're not going to have a reasonable level of savings to participate," said Charlie Coggeshall, director of policy and regulatory affairs for the Coalition for Community Solar Access, a group that works in roughly a dozen states nationwide to encourage community solar.

Fairfax school board appeals judge's invalidation of Thomas Jefferson admissions system

By HANNAH NATANSON, Washington Post (Metered Paywall - 3 articles a month)

The Fairfax County School Board is appealing a federal judge's ruling that invalidated the recently revised admissions system for the prestigious Thomas Jefferson High School for Science and Technology magnet school. U.S. District Judge Claude M. Hilton ruled late last month that the admissions program at TJ, as the school is known, discriminates against Asian American applicants and constitutes an illegal act of racial balancing.

AMERICAN OVERSIGHT

COVID-19 Remembrance Day remembers over 19,000 lives lost in Virginia

By LYNDON GERMAN, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Del. Delores McQuinn, D-Richmond, and other state and local representatives gathered at Virginia Union University on Monday to pray in remembrance of Virginians who lost their lives to COVID-19. As of March 14, nearly 80 million Americans have contracted COVID and 964,774 people have died from it, according to the Centers for Disease Control and Prevention. In Virginia, more than 19,000 people died after contracting the virus, and 476 of them were from Richmond, according to the Virginia Department of Health.

The Full Report

45 articles, 24 publications

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FROM VPAP

From VPAP

Maps, Timeline of COVID-19 in Virginia

The Virginia Public Access Project

Our Virginia COVID-19 dashboard features VDH vaccination data, including what percentage of the state's population has received at least one shot and the number of vaccinations per 100,000 residents in each city and county. Our dashboard also makes it easy to track the latest available data for tests performed, infections, deaths and hospital capacity. There's also a filter for each city and county, plus an exclusive per-capita ZIP Code map. Updated each morning around 10:30 a.m.

EXECUTIVE BRANCH

'This letter is a gross misrepresentation of what superintendents believe': Gov. Youngkin

By NICK MINOCK, WSET-TV

Over the weekend, it was widely reported that all 133 Virginia public school superintendents sent a letter to Gov. Glenn Youngkin's administration disapproving of the Governor's education agenda. It was also reported that all of the commonwealth's superintendents asked the Republican Governor to eliminate a "tip line" parents can send their concerns to about teachers and school curriculum. 7News is now learning the state's 133 superintendents were not advised of the letter before it was sent to the Governor's administration.

Youngkin chooses Trump's EPA chief to serve as senior adviser

By TEO ARMUS, Washington Post (Metered Paywall - 3 articles a month)

Democrats in the Virginia state Senate may have dashed Republican Gov. Glenn Youngkin's pick for a key Cabinet post, but that didn't stop the governor from hiring him anyway. Andrew Wheeler, a former Trump administration official and lobbyist for coal companies, will serve as a senior adviser to Youngkin, a spokeswoman for his administration confirmed Tuesday.

Wheeler to remain in Youngkin administration as senior adviser

By SARAH VOGELSONG, Virginia Mercury

Former Environmental Protection Agency Administrator Andrew Wheeler, whose appointment as Virginia's top environmental official was blocked by Senate Democrats, will serve as a senior adviser to Gov. Glenn Youngkin, according to Youngkin spokesperson Macaulay Porter. Porter also said that Deputy Secretary of Natural and Historic Resources Travis Voyles will serve as acting secretary of natural and historic resources. Youngkin announced his appointment as deputy secretary Feb. 18.

Youngkin, state officials break ground on 495 NEXT project

Inside NOVA

Gov. Glenn Youngkin joined state and local officials Monday morning to break ground on a two-and-a-half-mile extension of the express lanes on Interstate 495 between the Dulles Corridor and the George Washington Memorial Parkway in Fairfax County. The latest extension -- known as the 495 Express Lanes Northern Extension or 495 NEXT -- is part of Virginia's 90-plus mile express lanes network planned for Northern Virginia, the governor's office said.

County officials urge Youngkin to ensure transportation funding if grocery tax is repealed

By DAVID TAUBE, FFXnow

Gov. Glenn Youngkin and many Northern Virginia officials disagree over whether a repeal in the 2.5% grocery sales tax will adversely affect transit or not. The governor has made eliminating the tax a priority, but proponents and opponents are painting vastly different portraits of how a repeal could affect transportation funding. . . . At a groundbreaking ceremony in Tysons Monday for the I-495 Express Lanes extension, the Republican governor described the multiyear project as the kind of private-public partnership that can help save taxpayers' money.

GENERAL ASSEMBLY

Here's what bills lived, died and remain undecided in divided General Assembly

By JACKIE DEFUSCO, WRIC-TV

The 2022 regular session of the General Assembly is over but some unfinished business remains. Governor Glenn Youngkin is expected to call lawmakers back to the State Capitol to reach a deal on the two-year spending plan after a key budget deadline was missed, though no date has been set for that yet. The 60-day session laid bare the reality of a divided government, highlighted the consequences of a pivotal power shift and underscored the stakes of future elections.

It's a wrap!

By MARKUS SCHMIDT, Cardinal News

When the General Assembly adjourned Saturday, they did so without finalizing the state's biennial budget. But while about 50 bills still linger in conference – waiting for lawmakers to return once Gov. Glenn Youngkin calls for a special session sometime in the next few months, House GOP leadership blamed Democrats for leaving behind some unfinished business. "Unfortunately, the Democrats who run the Senate decided to put their own partisan angst ahead of Virginia's common good and not just block many common-sense bills, but also leave Richmond before the work was done," House Speaker Todd Gilbert, R-Shenandoah County, said in a statement. . . . Both parties are still haggling over a $3 billion gap separating their individual spending plans.

Local legislators split on bill to restrain governor's power

By SCOTT MCCAFFREY, Sun Gazette

Five of Arlington's seven-member General Assembly delegation voted in support of a measure that will limit the power of governors to act unilaterally for an indeterminate period in a crisis. Legislation sponsored by state Sen. David Suetterlein (R-Roanoke) on March 9 cleared the House of Delegates on a 91-8 vote, following earlier passage in the state Senate by a margin of 29-11. Gov. Youngkin is expected to sign the bill.

AMERICAN OVERSIGHT

Virginia teens press General Assembly for action on mental health

By BEN PAVIOUR, WCVE-FM

Between virtual learning and racial justice protests, it's been a long two years for youth in Virginia. Advocates say the recent turmoil highlighted the state's lack of investment in mental health services for students. While political and media debate has swirled around critical race theory and masking, student advocates say their mental health deserves more attention. "This issue is just going to get worse if we don't do something now," says Allison Gilbreath, policy and programs director at the advocacy group Voices for Virginia's Children.

Virginia lawmakers vote to allow smaller localities to opt out of Marcus Alert system

By DEAN MIRSHAHI, WRIC-TV

Virginia lawmakers passed a bill allowing smaller localities to opt out of the "Marcus Alert" law, a measure passed in 2020 that aimed to improve the response to mental and behavioral health emergencies. The legislation was named after Marcus-David Peters, who was fatally shot by a Richmond police officer in 2018 while experiencing an apparent mental health crisis alongside Interstate-95. Peters, a 24-year-old teacher, was naked when he charged the officer who shot him.

STATE ELECTIONS

Virginia Beach Councilman Aaron Rouse to run for state Senate

By STACY PARKER, Virginian-Pilot (Metered Paywall - 2 articles a month)

Virginia Beach City Councilman and former NFL player Aaron Rouse announced Monday that he's not seeking reelection for the council and will instead run for state Senate in 2023. "I'm really excited to continue to be able to work for Virginia Beach and have more of an impact," Rouse, 38, said by phone Monday. He is running as a Democrat for Virginia's 22nd District, which includes parts of the city of Virginia Beach. It's an open seat after redistricting this year. There is no incumbent. The district has 164,146 voters, according to the Virginia Public Access Project.

STATE GOVERNMENT

VDOE denies WAVY's FOIA request for info on divisive learning, Executive Order 1

By JON DOWDING, WAVY-TV

As part of our investigation into the State of Education in Virginia, 10 On Your Side filed two Freedom of Information Act (FOIA) requests about proposed changes to the public education system in Virginia — both of which were denied. These requests hoped to paint a clearer picture of changes coming to classrooms in Virginia, but with both requests denied by state leadership, 10 On Your Side — and therefore you at home — are left with as many questions about these changes as before.

Virginia's jobless rate held steady in January as more people entered labor market

By JOHN REID BLACKWELL, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Virginia's unemployment held steady at 3.3% from December to January, and employment increased from a year ago, but overall employment still remains down from before the start of the COVID-19 pandemic. The state's jobless rate was down from 4.8% in January of 2021, the Virginia Employment Commission reported on Monday.

Virginia Supreme Court modifies, extends judicial emergency order

By JASON BOLEMAN, Virginia Lawyers Weekly (Subscription required for some articles)

The Supreme Court of Virginia released the 36th order extending the declaration of judicial emergency in response to the COVID-19 pandemic on March 4. The order, which applies to all of Virginia's circuit and district courts, extends through March 30. The extension means that the period of judicial emergency will officially last more than two years, as the initial order was enacted on March 16, 2020. Most notably, this latest order from the court removes language from previous orders that required courts to screen individuals entering the courthouse "if, and to the extent, recommended, by the Virginia Department of Health."

CONGRESS

Beyer nabs $1.4 million in federal funding for three local health, parks projects

By JO DEVOE, ArlNow

A $1.5 trillion spending bill that cleared Congress on Friday has funding for three projects in Arlington. . . . The bill also sends Arlington County more than $1.4 million to pay for a health initiative and two parks projects, for which Rep. Don Beyer (D-Va.) requested federal assistance last May. In total, the spending package has $5.4 million earmarked for 10 projects in Northern Virginia, at Beyer's request.

ECONOMY/BUSINESS

Thermo Fisher to invest $97 million to expand in the Richmond region

By GREGORY J. GILLIGAN, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Global life sciences company Thermo Fisher Scientific Inc. is planning to invest $97 million to expand its clinical research operations in the Richmond region in response to increased demand for its services. The company will create three bioanalytical labs — two in Henrico County and one in Richmond — over the next three years, adding about 500 new workers to its local workforce of more than 1,200 professionals.

New Colonial Downs owners have big plans for track, including a Kentucky Derby qualifying race

By MICHAEL PHILLIPS, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

As Colonial Downs prepares to change ownership, the new company has a message for Virginians: "We're bringing our checkbook." That's what Churchill Downs CEO Bill Carstanjen said during a recent visit to Richmond, as his group prepares to take over Virginia's only Thoroughbred racing venue, as well as the six Rosie's locations around the state.

Mountain Valley Pipeline Seeks Rehearing on Species Review

By MAYA EARLS, Bloomberg

The Fourth Circuit improperly second-guessed the federal government's review of the Mountain Valley Pipeline and jeopardized billions of dollars of completed construction at a time when there's a need for natural gas supplies from sources other than Russia, the pipeline company said in a petition for rehearing. Mountain Valley Pipeline LLC wants the full Fourth Circuit to consider two rulings: One that tossed the federal government's approval of a three-and-a-half-mile pipeline route through Jefferson National Forest in Virginia and West Virginia in January, and one that rejected the U.S. Fish and Wildlife Service's finding that the entire project wouldn't jeopardize ...

Jury trial begins in property owner compensation dispute with Mountain Valley Pipeline

By LAURENCE HAMMACK, Roanoke Times (Metered Paywall - 5 articles a month)

The company building a natural gas pipeline through a bucolic Bent Mountain property should be made to pay its owners $650,000 for their losses, a jury was told Monday. Mountain Valley Pipeline used its legal power of eminent domain to take part of a 560-acre tract owned by the Terry family four years ago. How much it should now compensate the owners will be decided during a weeklong trial in Roanoke's federal court.

Old mill coming down to make way for Danville casino

By JOHN CRANE, Danville Register & Bee

AMERICAN OVERSIGHT

Demolition of the 617,000-square-foot structure visible from West Main Street began Monday morning and is expected to be complete in about six weeks, said David Deatherage, vice president with D.H. Griffin Companies in Greensboro, North Carolina. D.H. Griffin is in charge of performing demolition and abatement and hazardous material removal. Materials at the site will be removed and recycled. The finishing building is made of steel, concrete and brick.

TRANSPORTATION

Local officials warn of impacts from upcoming, months-long Yellow Line shutdown

By MATT BLITZ, ArlNow

Local officials are concerned that major work on the Yellow Line, starting in September, will cause significant problems — and are asking Metro to come up with solutions. Last week, WMATA announced that the Yellow Line tunnel and bridge crossing the Potomac will shut down starting September 10 for up to eight months due to much-needed rehab work. Additionally, for six weeks, rail service south of National Airport will also be shut down to continue work on the new Potomac Yard station.

'People's Convoy' drives through D.C. after permit for organized demonstration downtown partially denied

By ELLIE SILVERMAN, KARINA ELWOOD AND IAN DUNCAN, Washington Post (Metered Paywall - 3 articles a month)

Police blocked interstate exits in Washington into downtown as hundreds of trucks, cars and SUVs protesting the government's response to the pandemic rode into the nation's capital to start a second week of demonstrations. Members of the "People's Convoy" and thousands of other motorists encountered severe backups Monday afternoon, when highway traffic that already was heavy only worsened with the convoy's arrival. The convoy entered the city via the 14th Street Bridge on Interstate 395 amid a near-standstill, then continued to Interstate 695 before crossing the Anacostia River and returning to the Beltway.

HIGHER EDUCATION

Hampton University, Amazon team up to launch robotics program

By SIERRA JENKINS, Daily Press (Metered Paywall - 1 article a month)

Several years ago, Hampton University began looking for ways to pique students' interests in computer science through a robotics pathway. That plan came to fruition this year when Amazon invested in the university to create a new degree program. The program will help students obtain advanced degrees and fill positions in the STEM and robotics field. Students completed their first capstone in the fall and school officials are planning an event this spring after its pilot year, Alissa Harrison, vice president of information technology, said in an email.

CORONAVIRUS

How DC, Va. plan to use wastewater to track COVID spread

By SCOTT GELMAN, WTOP

D.C. and Virginia have plans to ramp up their COVID-19 wastewater surveillance programs in the coming weeks, providing a tool that experts say allows health officials to get a pulse on community transmission before hospitals see a spike in patients. The process enables thousands of people to be screened at a time, by looking for biomarkers of the coronavirus in wastewater, said Rekha Singh, wastewater surveillance program manager at the Virginia Department of Health. The virus can be detected in wastewater between six and 15 days before a confirmed clinical case.

NRV health district will continue to monitor wastewater as COVID cases decline

By LEANNA SCACHETTI, WDBJ-TV

The leader of the New River Valley Health District said even though COVID-19 case counts are in the teens for the district, public health leaders aren't abandoning their vigilance against the virus. Dr. Noelle Bissell addressed the future of COVID-19 during a regular virtual briefing Monday afternoon. . . . Dr. Bissell said the health district will continue to do wastewater surveillance in an effort to keep a close eye on the virus. She anticipates we'll continue to live with COVID-19 as a seasonal illness and expects cases to rise again in late summer or early fall.

VIRGINIA OTHER

Two women are on a quest to map every racially restrictive property deed in Arlington

By JO DEVOE, ArlNow

A sociology professor at Marymount University and a former housing lawyer are poring over century-old property records to locate Arlington's segregated neighborhoods. It's a time-consuming process, but the goal is to map Arlington's "history of exclusion," says professor Janine DeWitt. . . . And DeWitt says she and her research partner, Kristin Neun, will not stop "until we find every last one of them and not before."

Poolesville languishes as White's Ferry reopening appears bleak, commissioner president says

By MATTHEW DELANEY, WTOP

While the negotiations to reopen White's Ferry have broken down over raw feelings, it's nearby Poolesville, Maryland, that's suffering for it, according to the town commissioners president. Poolesville is the first stop after departing the ferry on the Maryland side of the Potomac, which means commuter traffic is a boon for businesses in the up-county town of over 5,000. Losing the ferry in December 2020 meant "cutting off our arm at Virginia," according to Jim Brown, the president of the Poolesville Town Commissioners.

LOCAL

Fairfax County School Board files appeal over admissions ruling for Thomas Jefferson

By WILL VITKA, WTOP

Virginia's Fairfax County School Board filed an appeal Monday challenging a judge's ruling that would halt new admissions policies at Thomas Jefferson High School for Science and Technology. In a statement about U.S. District Judge Claude Hilton's decision, the board called the ruling "highly damaging." "Failing to challenge it would jeopardize race-neutral diversity efforts not just within Fairfax County Public Schools or at TJ, but also within public education more broadly," the board's statement said.

ACLU of Virginia threatens Hanover School Board with federal lawsuit

By HOLLY PRESTIDGE, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

A Jan. 31 demand letter to the Hanover County School Board from the ACLU of Virginia threatening federal legal action on behalf of a transgender student was the catalyst behind an impromptu closed special session on Feb. 22 by the School Board as well as the board's 4-3 vote last week to "engage" Arizona-based Alliance Defending Freedom "for legal review" of the county's equal education policy at no cost to HCPS.

Former Hampton Roads Regional Jail officer accused of choking inmate

By JULIE MILLET, WAVY-TV

"Oh Lord, I'm gonna die today." That's what former Hampton Roads Regional Jail inmate Johnnie Simmons says he thought to himself on the morning of Feb. 8, 2019, when he complained to Master Jail Officer Robert Whitaker about problems with other inmates in the facility. Simmons is accusing Whitaker of choking him to the point where he passed out and urinated on himself. Whitaker is facing one count of felony strangulation and one count of assault and battery.

AMERICAN OVERSIGHT

Firm: Lawsuit to be filed Friday against Spotsylvania School Board

By ADELE UPHAUS–CONNER, Free Lance-Star (Metered Paywall - 10 articles a month)

A recent graduate of Courtland High School in Spotsylvania intends to file a lawsuit against the Spotsylvania County School Board on Friday. The Edwards Law Firm announced the pending litigation in a Facebook post on Monday afternoon. The suit will be filed in Spotsylvania General District Court on behalf of Makaila Keyes, 19, a 2020 graduate of Courtland. It alleges that the School Board, specifically Kirk Twigg, April Gillespie, Lisa Phelps and Rabih Abuismail, violated the Freedom of Information Act, employment and education law in actions taken during its Jan. 10, 2022, meeting.

Prosecution presents fraud case against Roanoke Councilman Jeffrey

By JEFF STURGEON, Roanoke Times (Metered Paywall - 5 articles a month)

Roanoke City Councilman Robert Jeffrey Jr. stole $15,000 in pandemic relief funds by inflating the number of full-time employees at his media and real estate companies with false applications submitted to grant-making authorities, prosecutors told jurors as Jeffrey's trial started Monday. Previewing his case, Jeffrey's lawyer raised the possibility that someone other than Jeffrey, such as one of his employees who has a criminal record, had submitted the forms that are the backbone of the government's case.

WPS equity efforts continue despite state policies

By EVAN GOODENOW, Winchester Star (Metered Paywall - 5 articles a month)

Efforts to provide a more culturally responsive curriculum and inclusive environment will continue in Winchester Public Schools despite Virginia's suspension of racial equity programs, according to Superintendent Jason Van Heukelum. The division's policy defines equity as "fostering a barrier-free environment whereby all students have the opportunity to benefit from the establishment of high standards and the provision of support, effective learning and resources for a high-quality education." Van Heukelum recently said that the division's equity policy is more a philosophy than a program.

Judge: Warrant for Wilson's Wild Animal Park raid was valid

By EVAN GOODENOW, Winchester Star (Metered Paywall - 5 articles a month)

Efforts to dismiss the animal cruelty case against a roadside zoo owner and his nephew were denied in Frederick Circuit Court on Monday. In a five-hour pretrial hearing, Judge Alexander R. Iden ruled Deputy Richard Samuels, a Spotsylvania animal control officer, didn't try to deceive a magistrate to get a search warrant for the raid on Wilson's Wild Animal Park on Aug. 15, 2019. The raid led to the seizure of 119 animals at the zoo at 985 W. Parkins Mill Road off Millwood Pike (U.S. 50) in Frederick County.

Campbell County superintendent looks to ban 'divisive subjects' in schools

By PAIGE MEYER, WSET-TV

Campbell County residents have weighed in on the superintendent's proposed resolution to ban divisive topics in the classroom during Monday night's school board meeting. Campbell County Public Schools Superintendent, Dr. Robert Johnson, is looking to ban Critical Race Theory, but he wants potentially divisive subjects to only be taught from a neutral position.

Horizon expanding mental health services for Bedford County Schools

By ELIZABETH THOMAS, WSET-TV

Bedford County Public Schools is expanding its mental health services provided to students. Horizon Behavioral Health, which currently provides mental health services in six Bedford County Public Schools, will be hiring four additional persons thanks to a grant it received. Horizon was awarded a $1.1 million grant from the Office of Child and Family Services and the Dept. of Behavioral Health and Developmental Services.

Pound Town Council to meet Tuesday with 3 new members

By MEGAN SCHNABEL, Cardinal News

The Pound Town Council is slated to meet Tuesday night with its first quorum since December. The future of Pound has been the subject of some debate in recent months, as a bill that now awaits the governor's signature gives the Wise County town until November 2023 to get its affairs in order or lose its charter.

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EDITORIALS

Bedford shows how to thwart book censors

Daily Progress Editorial (Metered Paywall - 25 articles a month)

Calling Bedford County a hotbed of liberalism would be a hard sell. The area between Lynchburg and Roanoke went 3-to-1 for Donald Trump in the 2020 presidential election. But this didn't stop county school officials from applying a rational review process that stopped a recent attempt to censor 11 library books. Book bans—including the occasional book burning suggestion—usually originate with parents who hope to force-feed their beliefs to entire student bodies. These folks try to bully and embarrass administrators into doing their bidding by raising a ruckus, rather than instilling their children with their personal philosophies and leaving other parents to do the same.

Is this supernova really NOVA?

Free Lance-Star Editorial (Metered Paywall - 10 articles a month)

If the Fredericksburg region were a star, it would be a supernova. Population in our area has soared 15.5 percent from 2010 to 2020. Real estate prices are up, up, up. And traffic on the area's three major non-interstate corridors—Routes 1, 3, and 17—seem to grow heavier by the day. And then there's Interstate 95. If we have to explain that headache, then you haven't had to deal with the congestion there. Count yourself lucky. Does this rapid growth, then, mean we're now a part of NOVA? It's a question that can roil us folks.

Let's aim for less police referrals, more dialogue

Richmond Times-Dispatch Editorial (Metered Paywall - 7 articles a month)

Amendments to existing legislation requiring principals to report certain misdemeanors to law enforcement stymies efforts made by 2020 laws passed that gave principals broader discretion on whether to report such misdemeanors. While both Senate Bill 36 and its companion House Bill 4 passed earlier this month, the bills received several dozen "no votes" from Virginia legislators. Many have said this reversal will lead to an excessive reporting of minor offenses — such as simple assault or disorderly conduct — of Black and brown students with disabilities, thus again giving fuel to the schools-to-prison pipeline.

COLUMNISTS

Yancey: How did this year's General Assembly do?

By DWAYNE YANCEY, Cardinal News

The 2022 General Assembly is now history. Well, sort of. The legislature still has to come back at some undermined point in the future to pass a budget and resolve whether we should repeal all or just part of the tax on food – so the two biggest things before this year's legislature are still undone. But all the passing and killing of most other bills and such is done. So, other than finishing work on the top two agenda items, what did this year's session accomplish?

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001089

OP-ED

Hurt: In-person vs. virtual instruction, poverty and the SOLs

By MATT HURT, published in Roanoke Times (Metered Paywall - 5 articles a month)

During the 2020-21 school year, individual school divisions across Virginia were tasked with developing plans to address the instruction of their students during the COVID-19 pandemic while keeping students and staff safe at the same time. Every division offered fully virtual instruction options into which families could opt their children. The decisions to open schools for in-person instruction made by school divisions varied widely. Some divisions offered in-person instruction from day one, five days a week. Other divisions opened the year fully virtual, and at some point offered in-person instruction later in the year.

Hurt is the director of the Comprehensive Instructional Program based in Wise.

Cohn and Loughran: UVA and Southwest Virginia — partners in better cancer care

By WENDY COHN AND THOMAS P. LOUGHRAN JR., published in Roanoke Times (Metered Paywall - 5 articles a month)

Last month, the University of Virginia Cancer Center became the commonwealth's only National Cancer Institute-designated Comprehensive Cancer Center and one of just 52 in the United States — and it wouldn't have been possible without our neighbors and partners throughout Southwest Virginia. When people think about what cancer centers do, they often think of teams of experts providing the latest treatments, or researchers toiling to develop potential breakthroughs in cancer care and prevention that are then tested in clinical trials.

Cohn is associate director for community outreach and engagement at the Univeresity of Virginia Cancer Center. Loughran is director of the UVA Cancer Center, F. Palmer Weber-Smithfield Foods Professor of Oncology Research and professor of medicine.

Peace: Protecting Virginia's internet-related jobs

By CHRISTOPHER K. PEACE, published in Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Together, the people of our nation and this commonwealth have successfully navigated a pandemic amid great domestic social change, and now we peer into another great global crisis that has the possibility of negatively impacting our economy. From continued supply chain disruptions that emerged during COVID to the human catastrophe unfolding in Ukraine, our economic outlook is not as clear today as it was a few months ago, when we planned for a "return to normal."

Peace served in the Virginia House of Delegates from 2006 to 2020. He currently practices lawin Mechanicsville.

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 5:09:34 PM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Question

Charles:
Thanks for clearing those two issues up; that is helpful.
On this one matter in particular, please do not further engage with the reporter and let us know if there are further media inquiries on this letter. There are other considerations at play here.
Thank you,
Elizabeth

On Tue, Mar 22, 2022 at 3:40 PM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:

> I confirmed the authenticity of the letter. I corrected Hannah by pointing out that there is no reference to the Board of Education in the letter.
>
> Charles B. Pyle
> Director of Communications & Constituent Services
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 (cell)
> (804) 640-2117 mobile
>
> ---------- Forwarded message ---------
> From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
> Date: Tue, Mar 22, 2022 at 3:22 PM
> Subject: Fwd: Question
> To: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
>
> Here is where I am with Hannah.
>
> Charles B. Pyle
> Director of Communications & Constituent Services
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 (cell)
> (804) 640-2117 mobile
>
> ---------- Forwarded message ---------
> From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
> Date: Tue, Mar 22, 2022 at 2:39 PM
> Subject: RE: Question
> To: Pyle, Charles <charles.pyle@doe.virginia.gov>
>
> Understood, I was reading too fast. Superintendent Balow is saying that her office is reviewing the letter. Thank you for the clarification.
>
> I take it you're declining to answer the question about whether Superintendent Balow plans to recommend fining, suspending or fining Superintendent Ziegler?
>
> ---
>
> **From:** Pyle, Charles <charles.pyle@doe.virginia.gov>
> **Sent:** Tuesday, March 22, 2022 2:34 PM
> **To:** Natanson, Hannah <Hannah.Natanson@washpost.com>
> **Subject:** Re: Question
>
> Thanks, Hannah. The letter is authentic. There is no reference to the Board of Education in the letter.
>
> Charles B. Pyle
>
> Director of Communications & Constituent Services
>
> Virginia Department of Education
>
> Charles.Pyle@doe.virginia.gov
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On Tue, Mar 22, 2022 at 2:18 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Here is what Fight For Schools posted online, which is the only copy I have -- https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:26fb2daf-cd19-3efc-b362-88ebfea07e01 [acrobat.adobe.com]
>
> Get Outlook for iOS [aka.ms]
>
> ---
>
> **From:** Pyle, Charles <charles.pyle@doe.virginia.gov>
> **Sent:** Tuesday, March 22, 2022 1:40:45 PM
> **To:** Natanson, Hannah <Hannah.Natanson@washpost.com>
> **Subject:** Re: Question
>
> Hannah,
>
> I don't have a copy of it yet, but I am familiar with the content. Do you have a file? I looked to see if Fight for Schools posted it online but could not find it.
>
> Charles B. Pyle
>
> Director of Communications & Constituent Services
>
> Virginia Department of Education
>
> Charles.Pyle@doe.virginia.gov
>
> (804) 371-2420
>
> (804) 640-2117 (cell)
>
> (804) 640-2117 mobile

On Tue, Mar 22, 2022 at 10:58 AM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi Charles and Ken,
>
> Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?
>
> Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow - in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."
>
> - Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
> - When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
> - Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?
>
> I am requesting responses by 3 p.m. EST today latest. Thank you.
>
> Best,
>
> Hannah
>
> ---
>
> **From:** Natanson, Hannah <Hannah.Natanson@washpost.com>
> **Sent:** Thursday, February 10, 2022 12:51 PM
> **To:** Pyle, Charles <charles.pyle@doe.virginia.gov>
> **Subject:** Re: Question
>
> Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun

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County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,
>
> Hannah

Get Outlook for iOS [aka.ms]

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--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 3:03:13 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

John:
Would you please let me know to whom this went - just received as a BCC.
Thank you,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> Good afternoon,
> Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.
What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

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Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet

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received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and

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otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--

John G. Hendron, Ed.D.
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AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 5:18:25 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Thank you

On Thu, Feb 3, 2022 at 2:27 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:
It went to all division superintendents, and any others invited on last Monday's call (VASS, VHSL, VSBA).

On Thu, Feb 3, 2022 at 2:03 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
John:
Would you please let me know to whom this went - just received as a BCC.
Thank you,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

Good afternoon,
Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

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What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility

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than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

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If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?

The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

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Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617
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Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
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AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/18/2022 1:34:21 PM
To: "Jennings, Laura" <laura.jennings@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Recognizing Virginia's Judeo-Christian heritage in public education

---

Laura:
Does he want to meet in person or can we have a phone call?
I think it is ok to schedule the latter, but think a call should include staff...

Dicky, what do you think, Humanities and Assessment personnel?
Elizabeth

Elizabeth L. Schultz
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On Fri, Feb 18, 2022 at 10:44 AM Jennings, Laura <laura.jennings@doe.virginia.gov> wrote:

Good morning. Mr. Walker called this morning and would like to set up a meeting with you to discuss his email below. Let me know how you would like to proceed.

Happy Friday!
Laura

---------- Forwarded message ---------
From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Feb 18, 2022 at 10:27 AM
Subject: Fwd: Recognizing Virginia's Judeo-Christian heritage in public education
To: <laura.jennings@doe.virginia.gov>

---------- Forwarded message ---------
From: **Rodney Walker** <walkerprof1@gmail.com>
Date: Fri, Jan 21, 2022 at 8:03 PM
Subject: Recognizing Virginia's Judeo-Christian heritage in public education
To: <Elizabeth.Schultz@doe.virginia.gov>, Rodney Walker <walkerprof1@gmail.com>

Dear Elizabeth Shultz:

I haven't met you yet, but I'd like to say Congratulations! It is such an encouragement to see you and other members of the Youngkin transition team take your places. My name is Rodney Walker and I'm an African American U.S History teacher, professor and author. But what's more I also initiated and collaborated with Jason Miyares over a bill which turned out to become House Resolution (HR#297) recognizing the Judeo-Christian heritage of our commonwealth (please see attached bill).

The purpose of my contacting you is to seek your input about academic recognition of our Judeo-Christian heritage in Virginia state history books aligned with Standards of Learning (SOL) U.S History I and II. Thankfully, the Critical Race Theory has been uprooted from our schools, but it has left a vacuum which I fear may result in a free-for-all of various new alternative theories regarding our state's history. I see this in the classroom already.

If you look at HR#297 it's easy to note that there are nine or so key events which reflect upon the Judeo-Christian heritage of our state. Each one of these events can easily be made into a chapter of a book for supplemental reading. One can even see traces of our Judeo-Christian heritage in our state constitution's bill of rights which clarifies in Section #16: "***it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.***"

Presently, I am finishing an historic book under a contract with Amazon, but I would very much like to discuss the possibilities of completing supplemental reading material aligned for SOL U.S History I and II regarding the Judeo-Christain heritage of our commonwealth. It is time for this. The purpose would not be to preach, or proselytize but to inform and enlighten.

Please kindly advise concerning the best way forward for this undertaking. Again, congratulations, and I'm looking forward to the policy changes initiated by our governor's executive orders.

Rodney Walker
(757) 409-0082

HOUSE RESOLUTION NO. 297
Recognizing the influence of Christian heritage in Virginia.

Agreed to by the House of Delegates, January 24, 2017

WHEREAS, on April 26, 1607, a chartered expedition, subsidized by the Virginia Company to establish colonies on the coast of North America, disembarked upon the banks of Cape Henry, now Virginia Beach; and

WHEREAS, the Reverend Robert Hunt, the expedition's official cleric, and the members of the expedition erected a wooden cross in symbolic reference to the Christian faith, invoked a public prayer of dedication, and pledged that the Gospel message would be spread throughout the region and, from that region, abroad; and

WHEREAS, the ensuing Jamestown settlement was the site of the first public communion ceremony in Virginia, in the tradition of the Lord's Supper of the New Testament; and

WHEREAS, the Jamestown settlement was the first permanent English colony in North America and included a recognized church wherein Christian worship, teachings, and baptisms were conducted in accordance with the Gospel message, as exemplified by the baptism of Pocahontas, a member of the Powhatan tribe of Native Americans in the region; and

WHEREAS, the Judeo-Christian principles, as established in the Law of Moses and set forth from the earliest days of recorded history, of equality, human dignity, and equal protection under the law have provided an incalculable influence on law and thought throughout history, and in particular to our shared English common law tradition and Western civilization; and

WHEREAS, these same principles of equality, human dignity, and equal protection rooted in Mosaic law influenced America's foremost Civil Rights leaders, including the esteemed Virginia Civil Rights attorney and leader Oliver White Hill, Sr., whose own paternal grandfather founded Mount Carmel Baptist Church in Richmond, which the Hill family attended and where Oliver Hill attended Sunday school; he worked diligently, influenced by his Christian faith, to end racial discrimination and help end the doctrine of separate but equal; and

WHEREAS, according to the Pew Research Center, millions of Virginians, representing various denominations, identify as Christians, carrying on the faith traditions brought to North America by its first settlers; and

WHEREAS, thousands of churches in the Commonwealth continue to provide spiritual leadership and education; care for the poor, indigent, and homeless as commanded by the Gospel message; and conduct generous outreach in their communities; now, therefore, be it

RESOLVED by the House of Delegates, That the enormous influence of Christian heritage and faith throughout the Commonwealth's 400-year history be recognized; and, be it

AMERICAN OVERSIGHT

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to Rodney Walker and First-Landing Festivals, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the Virginia House of Delegates in this matter.

– –

Laura Jennings

Virginia Department of Education

PO Box 2120 | Richmond, VA 23218-2120

Office: 804.786.5834 | Cell: 804.297-6434

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/19/2022 9:09:08 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jennings, Laura" <laura.jennings@doe.virginia.gov>
Subject: Re: Recognizing Virginia's Judeo-Christian heritage in public education

---

Yes, under Michael there is Christine who is Director of Humanities then Christonya is History and Social Science Coordinator, and two more under her that do history and social studies.

On Fri, Feb 18, 2022 at 10:34 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Laura:
> Does he want to meet in person or can we have a phone call?
> I think it is ok to schedule the latter, but think a call should include staff...
>
> Dicky, what do you think, Humanities and Assessment personnel?
> Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Fri, Feb 18, 2022 at 10:44 AM Jennings, Laura <laura.jennings@doe.virginia.gov> wrote:

> Good morning. Mr. Walker called this morning and would like to set up a meeting with you to discuss his email below. Let me know how you would like to proceed.
>
> Happy Friday!
> Laura
>
> ---------- Forwarded message ---------
> From: **Rodney Walker** <walkerprof1@gmail.com>
> Date: Fri, Feb 18, 2022 at 10:27 AM
> Subject: Fwd: Recognizing Virginia's Judeo-Christian heritage in public education
> To: <laura.jennings@doe.virginia.gov>
>
> ---------- Forwarded message ---------
> From: **Rodney Walker** <walkerprof1@gmail.com>
> Date: Fri, Jan 21, 2022 at 8:03 PM
> Subject: Recognizing Virginia's Judeo-Christian heritage in public education
> To: <Elizabeth.Schultz@doe.virginia.gov>, Rodney Walker <walkerprof1@gmail.com>
>
> Dear Elizabeth Shultz:
>
> I haven't met you yet, but I'd like to say Congratulations! It is such an encouragement to see you and other members of the Youngkin transition team take your places. My name is Rodney Walker and I'm an African American U.S History teacher, professor and author. But what's more I also initiated and collaborated with Jason Miyares over a bill which turned out to become House Resolution (HR#297) recognizing the Judeo-Christian heritage of our commonwealth (please see attached bill).
>
> The purpose of my contacting you is to seek your input about academic recognition of our Judeo-Christian heritage in Virginia state history books aligned with Standards of Learning (SOL) U.S History I and II. Thankfully, the Critical Race Theory has been uprooted from our schools, but it has left a vacuum which I fear may result in a free-for-all of various new alternative theories regarding our state's history. I see this in the classroom already.
>
> If you look at HR#297 it's easy to note that there are nine or so key events which reflect upon the Judeo-Christian heritage of our state. Each one of these events can easily be made into a chapter of a book for supplemental reading. One can even see traces of our Judeo-Christian heritage in our state constitution's bill of rights which clarifies in Section #16: "***it is the mutual duty of all to practise Christian forbearance, love, and charity toward each other.***"
>
> Presently, I am finishing an historic book under a contract with Amazon, but I would very much like to discuss the possibilities of completing supplemental reading material aligned for SOL U.S History I and II regarding the Judeo-Christain heritage of our commonwealth. It is time for this. The purpose would not be to preach, or proselytize but to inform and enlighten.
>
> Please kindly advise concerning the best way forward for this undertaking. Again, congratulations, and I'm looking forward to the policy changes initiated by our governor's executive orders.
>
> Rodney Walker
> (757) 409-0082
>
> **HOUSE RESOLUTION NO. 297**
> *Recognizing the influence of Christian heritage in Virginia.*
>
> Agreed to by the House of Delegates, January 24, 2017
>
> WHEREAS, on April 26, 1607, a chartered expedition, subsidized by the Virginia Company to establish colonies on the coast of North America, disembarked upon the banks of Cape Henry, now Virginia Beach; and
>
> WHEREAS, the Reverend Robert Hunt, the expedition's official cleric, and the members of the expedition erected a wooden cross in symbolic reference to the Christian faith, invoked a public prayer of dedication, and pledged that the Gospel message would be spread throughout the region and, from that region, abroad; and
>
> WHEREAS, the ensuing Jamestown settlement was the site of the first public communion ceremony in Virginia, in the tradition of the Lord's Supper of the New Testament; and
>
> WHEREAS, the Jamestown settlement was the first permanent English colony in North America and included a recognized church wherein Christian worship, teachings, and baptisms were conducted in accordance with the Gospel message, as exemplified by the baptism of Pocahontas, a member of the Powhatan tribe of Native Americans in the region; and
>
> WHEREAS, the Judeo-Christian principles, as established in the Law of Moses and set forth from the earliest days of recorded history, of equality, human dignity, and equal protection under the law have provided an incalculable influence on law and thought throughout history, and in particular to our shared English common law tradition and Western civilization; and
>
> WHEREAS, these same principles of equality, human dignity, and equal protection rooted in Mosaic law influenced America's foremost Civil Rights leaders, including the esteemed Virginia Civil Rights attorney and leader Oliver White Hill, Sr., whose own paternal grandfather founded Mount Carmel Baptist Church in Richmond, which the Hill family attended and where Oliver Hill attended Sunday school; he worked diligently, influenced by his Christian faith, to end racial discrimination and help end the doctrine of separate but equal; and

OVERSIGHT

WHEREAS, according to the Pew Research Center, millions of Virginians, representing various denominations, identify as Christians, carrying on the faith traditions brought to North America by its first settlers; and

WHEREAS, thousands of churches in the Commonwealth continue to provide spiritual leadership and education; care for the poor, indigent, and homeless as commanded by the Gospel message; and conduct generous outreach in their communities; now, therefore, be it

RESOLVED by the House of Delegates, That the enormous influence of Christian heritage and faith throughout the Commonwealth's 400-year history be recognized; and, be it

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– –

Laura Jennings

Virginia Department of Education

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Office: 804.786.5834 | Cell: 804.297-6434

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/15/2022 9:25:42 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Re: Standards of Emotional Learning Requirements

---

sure

On Tue, Mar 15, 2022 at 9:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?
>
> Can we discuss?
>
> ---------- Forwarded message ---------
> From: **Brandi Rutz** <brandirutz@icloud.com>
> Date: Mon, Mar 14, 2022 at 10:54 PM
> Subject: Standards of Emotional Learning Requirements
> To: <elizabeth.schultz@doe.virginia.gov>
>
>
> Hi Mrs. Schultz,
>
> We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.
>
> First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.
>
> Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
> I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.
>
> It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.
>
> I appreciate any clarity you can offer.
>
> By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don't have a reason to doubt her.
>
> Thank you in advance of your time.
>
> Warm Regards,
>
> Brandi Rutz
>
>
>
>
>
> Sent from my iPhone
> --
>
> Elizabeth L. Schultz
> Assistant State Superintendent of Public Instruction
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/28/2022 1:22:13 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc:
Subject: Re: The nation's semiquincentennial

Attachments: Americans History and the 250th - commissioned Consultant Study (maybe by VA Tourism).pdf

---

Charles:
Will you please find out the origin of the attached consultant study?
It has Tourism's logo on it - did they have this produced?
Kindly advise.
Thank you,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Feb 28, 2022 at 12:09 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Charles:
> Has VDOE produced or published any guidance leading up to our nation's semiquincentennial?
> Thank you,
> Elizabeth
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
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AMERICAN OVERSIGHT

Americans, Our History, and the 250th

WilkeningConsulting
audience research | knowledge curation

VIRGINIA IS FOR LOVERS

May 2020

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001109

Initial Question:

Will Americans want to celebrate the 250th anniversary of the signing of the Declaration of Independence?

And if so … how?

AMERICAN OVERSIGHT

We quickly realized there was a lot more to this question than first appeared.

This was a question about American patriotism and identity … and how that shapes how people view the past and the stories of our country's founding.

AMERICAN OVERSIGHT

It brought us to questions about mythology, bias, historical truth, and inclusive history.

AMERICAN OVERSIGHT

What divides us?

And what unites us?

AMERICAN OVERSIGHT

We found, no surprise, that it is complicated, messy, and our questions evoked very strong feelings … across the spectrum of our population.

AMERICAN OVERSIGHT

1. Our values, attitudes, and beliefs affect how we approach the past … and the divisions in our country extend to history.

2. That history is highly valued … but a lack of inclusion is a barrier to engagement.

3. Yet the majority hold values about our country that they honor and respect … and will want to acknowledge in 2026.

AMERICAN OVERSIGHT

RESEARCH METHODOLOGY

AMERICAN OVERSIGHT

PHASE 1: National Quantitative Sampling

SURVEY OF HISTORY MUSEUM-GOERS

- Fielded October 2019
- Distributed via email lists of 14 Virginia-based history organizations
- n = 8,005
  - 36% from Virginia / 64% from rest of U.S.
- Quotes from respondents designated as “museum-goers survey”

BROADER POPULATION COMPARISON SAMPLE

- Fielded October 2019
- Via Google Consumer Surveys
- n = 2,262
  - 25% from Virginia / 75% from rest of U.S.

AMERICAN OVERSIGHT

PHASE 2: National Qualitative Panels

PANEL OF HISTORY MUSEUM-GOERS

- Fielded February/March 2020
- Recruited via survey of history museum-goers
- 127 entered panel; 74 completed
- Quotes from respondents designated as “museum-goers panel”

BROADER POPULATION PANEL

- Fielded February/March 2020
- Recruited nationally via Craigslist
- 99 entered panel; 77 completed
- Quotes from respondents designated as “broader panel”

AMERICAN OVERSIGHT

OTHER WILKENING CONSULTING RESEARCH

THE FOLLOWING PROJECTS CONTRIBUTED TO OR VALIDATED THIS RESEARCH WITH COMPLEMENTARY OR SIMILAR FINDINGS:

- Inclusive History in America *(fielded 2018)*
  - Some of the findings around inclusion; development of the primer of inclusive practice
- Annual Survey of Museum-Goers
  (fielded annually 2017 – present; with American Alliance of Museums (AAM))
- COVID-19 Pandemic Qualitative Panel
  (fielded spring 2020 on behalf of AAM)

AMERICAN OVERSIGHT

METHODOLOGY NOTE:
Broader Population Blind Spots

All surveys have some degree of survey bias

- Nearly impossible to capture a representative sample of the *entire* population
- Thus, important to consider population blind spots, including:
  - Very low-income
  - Lower education
  - Recent immigrants
  - Extreme elderly

My best estimates for blind spots *in broader population work:*

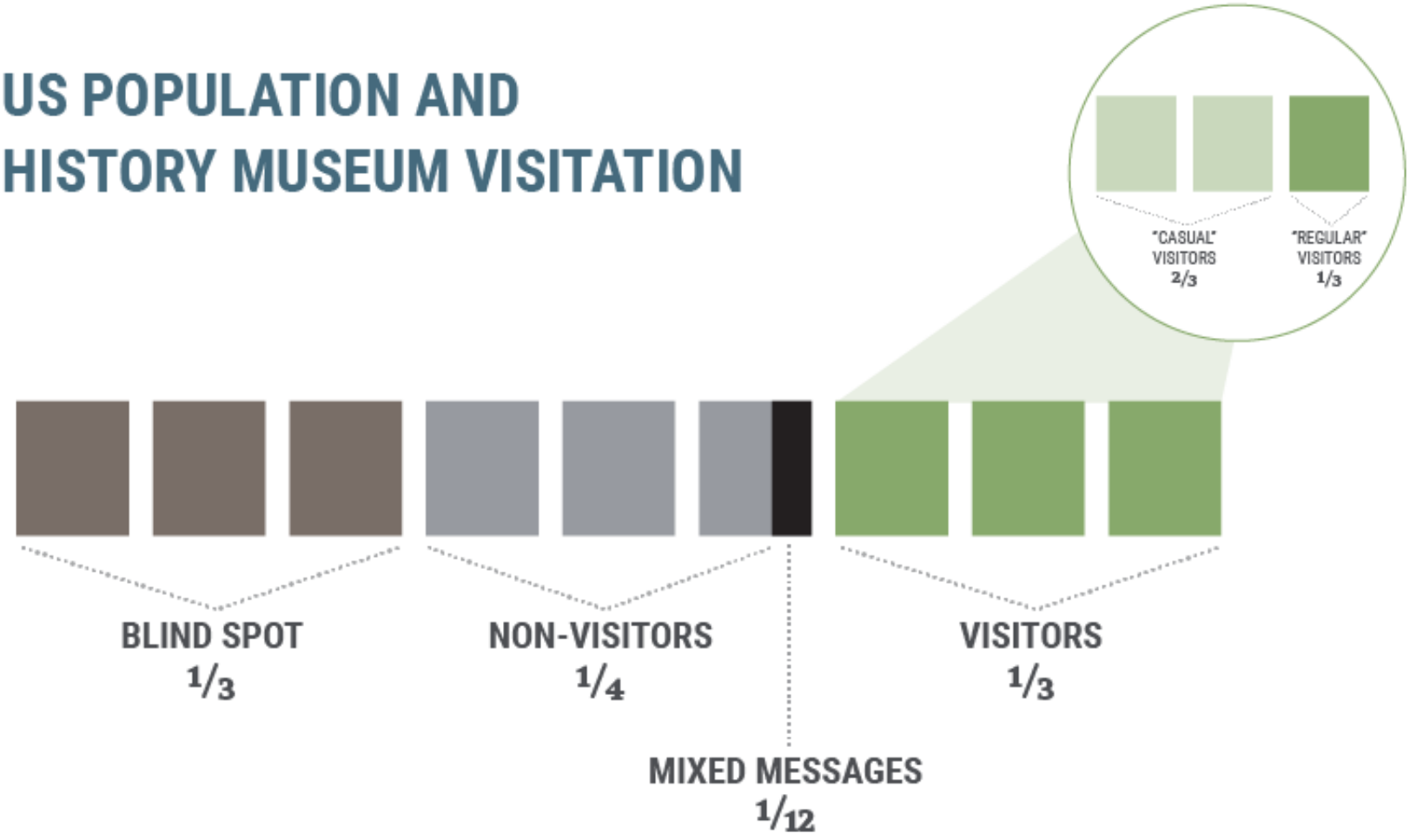
- Surveys: a third of population
- Panels: half of population

Important to keep in mind as these estimates are inputs when making broader estimates, projections about adult population

FOCUS OF RESEARCH:

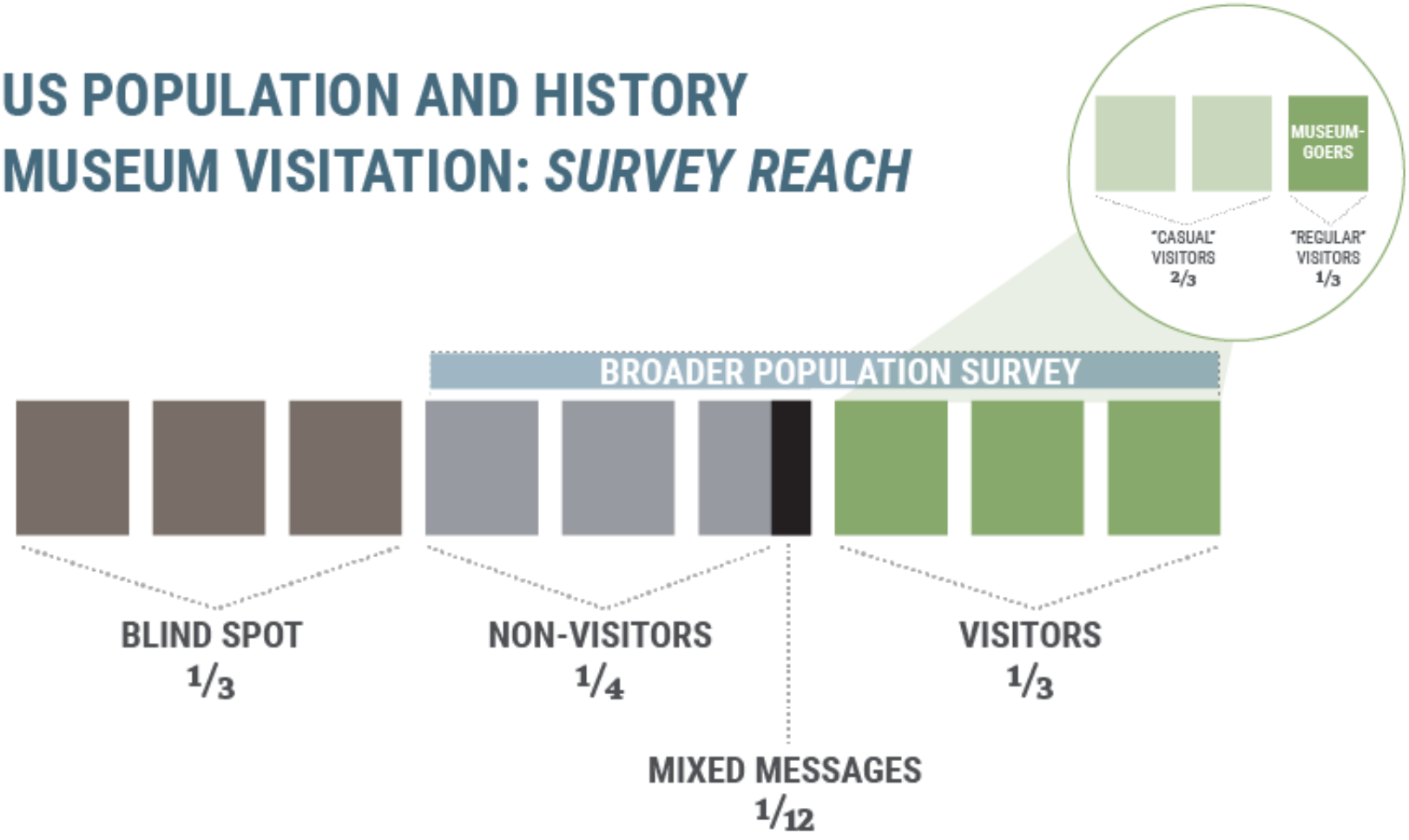
- Focus is on *likely* history museum-goers
  - Occasional, casual, and avid museum-goers
- Though broader population survey results that represent 2/3 of the population will be shared for context

US POPULATION AND HISTORY MUSEUM VISITATION



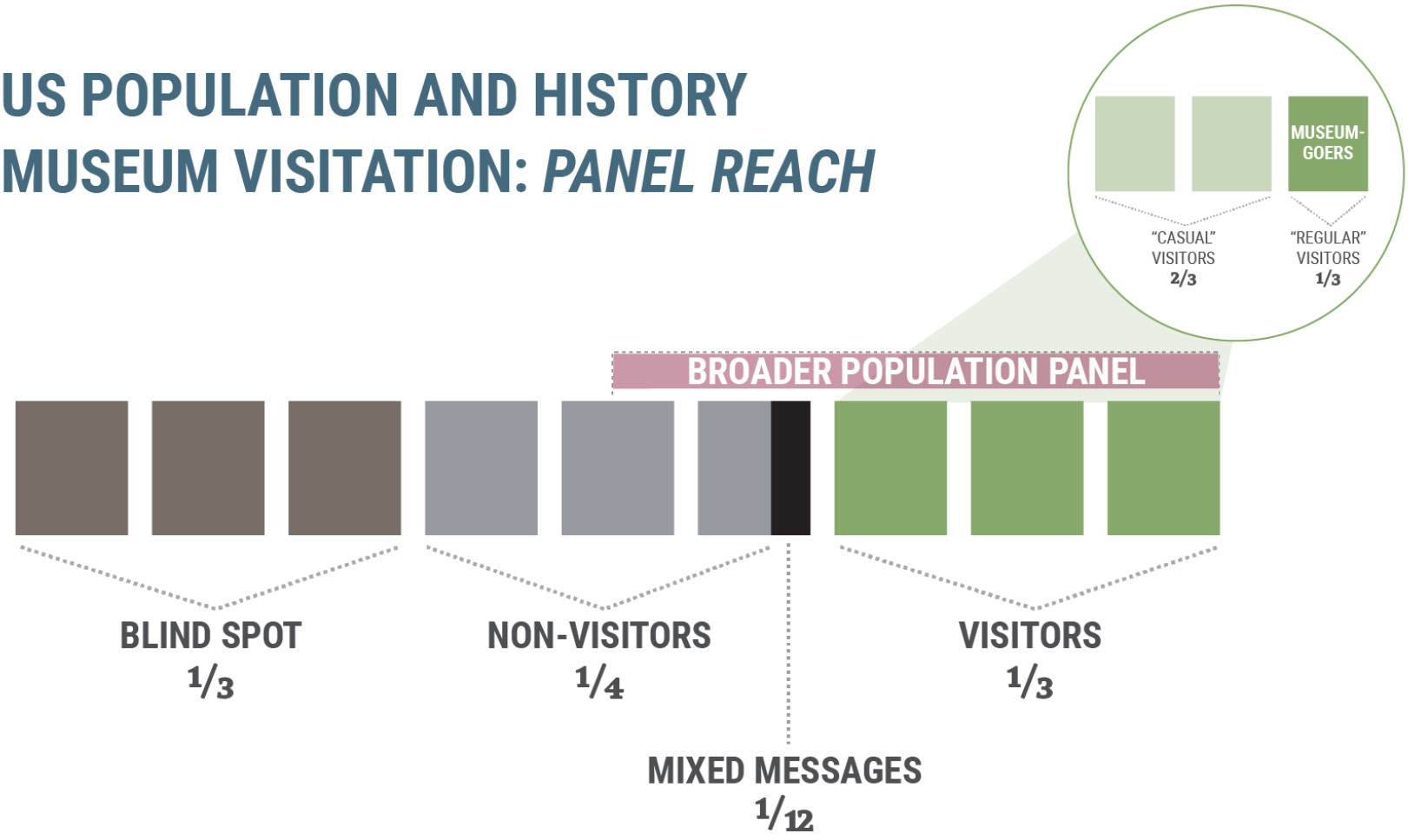
AMERICAN OVERSIGHT

US POPULATION AND HISTORY MUSEUM VISITATION: *SURVEY REACH*



AMERICAN OVERSIGHT

US POPULATION AND HISTORY
MUSEUM VISITATION: *PANEL REACH*



AMERICAN OVERSIGHT

METHODOLOGY NOTE:
Researcher and Project Biases

- My lived experienced is as a white female
- My ideology, attitudes, and my behaviors skew heavily liberal
- I would identify myself as a "symbolic patriot" who also believes it is our moral imperative to share an inclusive history
- To mitigate my biases, particularly around more conservative attitudes, I:
  - Was careful to ground my research in evidence, quantitative and qualitative
  - Looked carefully for qualitative responses reflecting both sides with equal intensity, and noted when one side felt more strongly than the other
  - Fielded panels that were open to all perspectives, and deliberately populated with diverse opinions; panelists were unaware of my own positions and those from both sides commented that they felt heard in the panel
  - Tapped into a small network of conservative advisors to assess if the findings are fairly represented, or if my bias was coming into play

AMERICAN OVERSIGHT

COVID-19 ADDENDUM

RE-OPENED PANELS IN RESPONSE TO COVID-19 PANDEMIC

- April 2020
- Four additional questions asked about:
  - Rights and freedoms during the pandemic
  - Role of history
  - Financial challenges of museums
  - Feeling safe and comfortable in museums when they reopen

AMERICAN OVERSIGHT

This research presentation focuses on research fielded before the pandemic, but the findings likely remain relevant during and after the pandemic.

Additional insights from the COVID-19 follow-up research is at the end of this deck.

Individual Values, Attitudes, and Beliefs

Tourism ... and History

Attitudes Toward History

Patriotism and American Identity

Lenses of American History

America: 2026

The 250th

A Practical Guide to Sharing History in a Divided Country

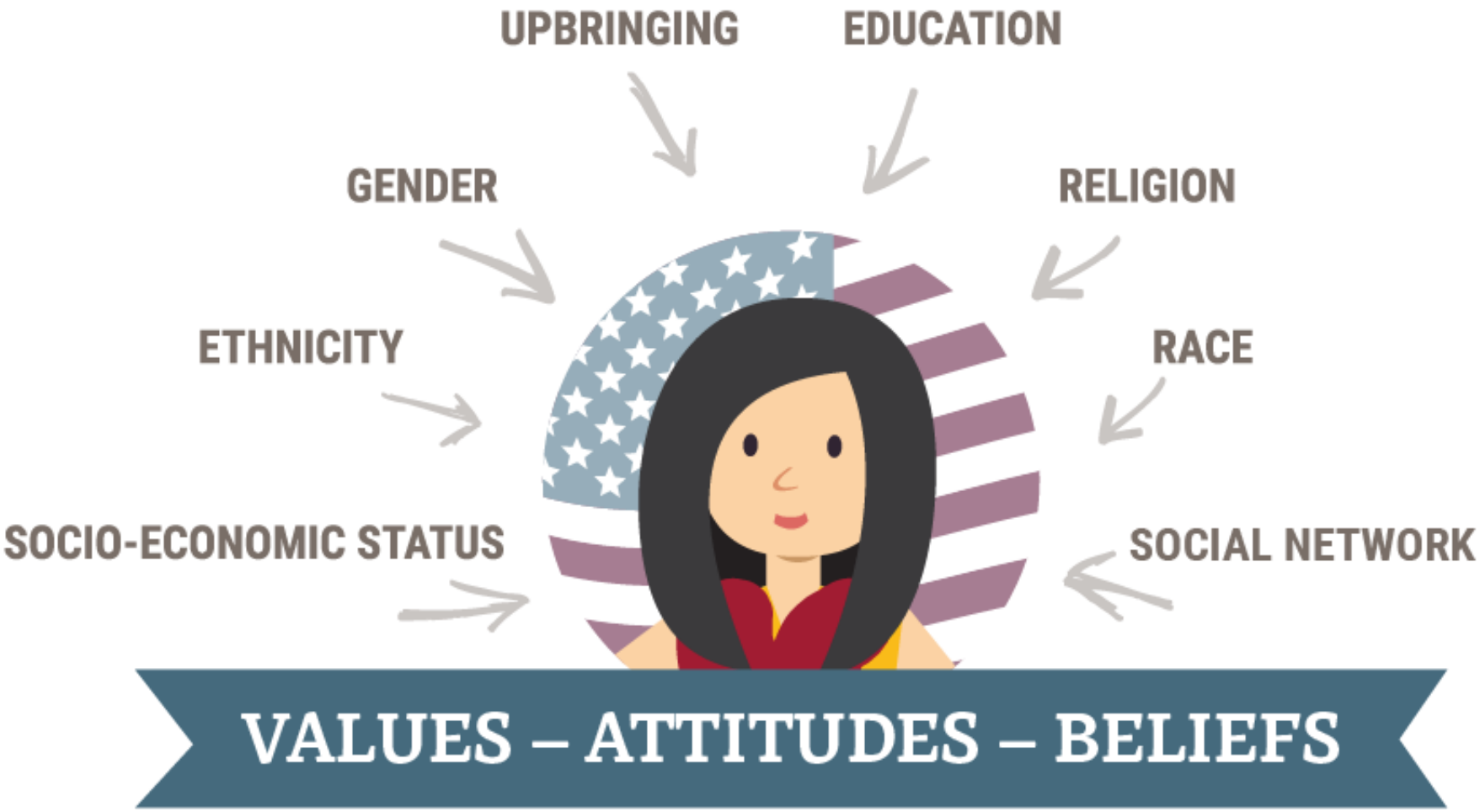
Final Thoughts

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001129

Individual Values, Attitudes, and Beliefs

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

In this research there was a strong clustering of values, attitudes, and beliefs that affected how people viewed the past and our country … and it reflected the current polarization in our society.

AMERICAN OVERSIGHT

TRADITIONALS:
More likely to have these traits

Status quo… or non-inclusive

Blind Patriot
(*some* Symbolic Patriots)

Politically/socially conservative

Traditional, often celebratory approach to history; pride in past

Somewhat less engaged with history*

Somewhat less curious

Generally less engagement with community, broader world

Demographically: tend to be older, more male, less educational attainment

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001133

* Exception: small segment of "history buffs" that are heavily engaged in history

NEOTERIC:
More likely to have these traits

Inclusive
(*some* status quo)

Symbolic Patriot
(*some* not patriotic at all)

Politically/socially liberal

Additive approach to history

Somewhat more engaged with history

More curious
(especially eudaemonic curiosity)

Generally **more engagement with community, broader world**

Demographically: tend to be younger, more female, more educational attainment

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001134

Neoteric: adjective that describes new or modern ideas; from the Greek *neos*, for new

THE MIDDLE:

- Most people tend to lean towards the Traditional or Neoteric clusters
- Of those that do seem to fall in the middle:
  - More moderate politically
  - Symbolic Patriots
  - Status quo on inclusivity
    - More inclusive than Traditionals, less than Neoterics
  - Lower levels of engagement with community
  - Less curious
  - Medium engagement with history
  - Demographically all over the place
  - Comments sometimes reflect mixed values, attitudes, and beliefs that read as Traditional *and* Neoteric
- BUT … the majority leaned one way or another
  - *Few* could really be considered "neutral"

AMERICAN OVERSIGHT

Thinking about history specifically, we all practice intuitive epistemology and approach the past with different sets of questions … thus finding different sets of facts that support our values, attitudes, and beliefs.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001136

SPECTRUM OF VALUES, ATTITUDES, AND BELIEFS

Likely History-Museum Goers

AMERICAN OVERSIGHT

For the majority of people, these clusters hold largely true … though some may differ on an attribute or two, or vary in intensity of feeling.

AMERICAN OVERSIGHT

Please be mindful:
while the clusters inform us of what traits *generally* cluster together …

AMERICAN OVERSIGHT

… it is inappropriate to make assumptions about an individual based on demographic indicators alone.

Not everyone falls neatly into a cluster on *all* traits.

We retired in 2010 and both got into C.W. reenacting and by happy accidents started our dance group which started out thinking only of mid-1800's dance … Our memory of history is so faulty because of what was left out in the telling of it. What some people call 'revisionist history' is often simply telling the truth or telling the things that weren't said before.

– DANCE MASTER (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

Thus, these clusters of values, attitudes, and beliefs affect how the United States and its past is viewed.

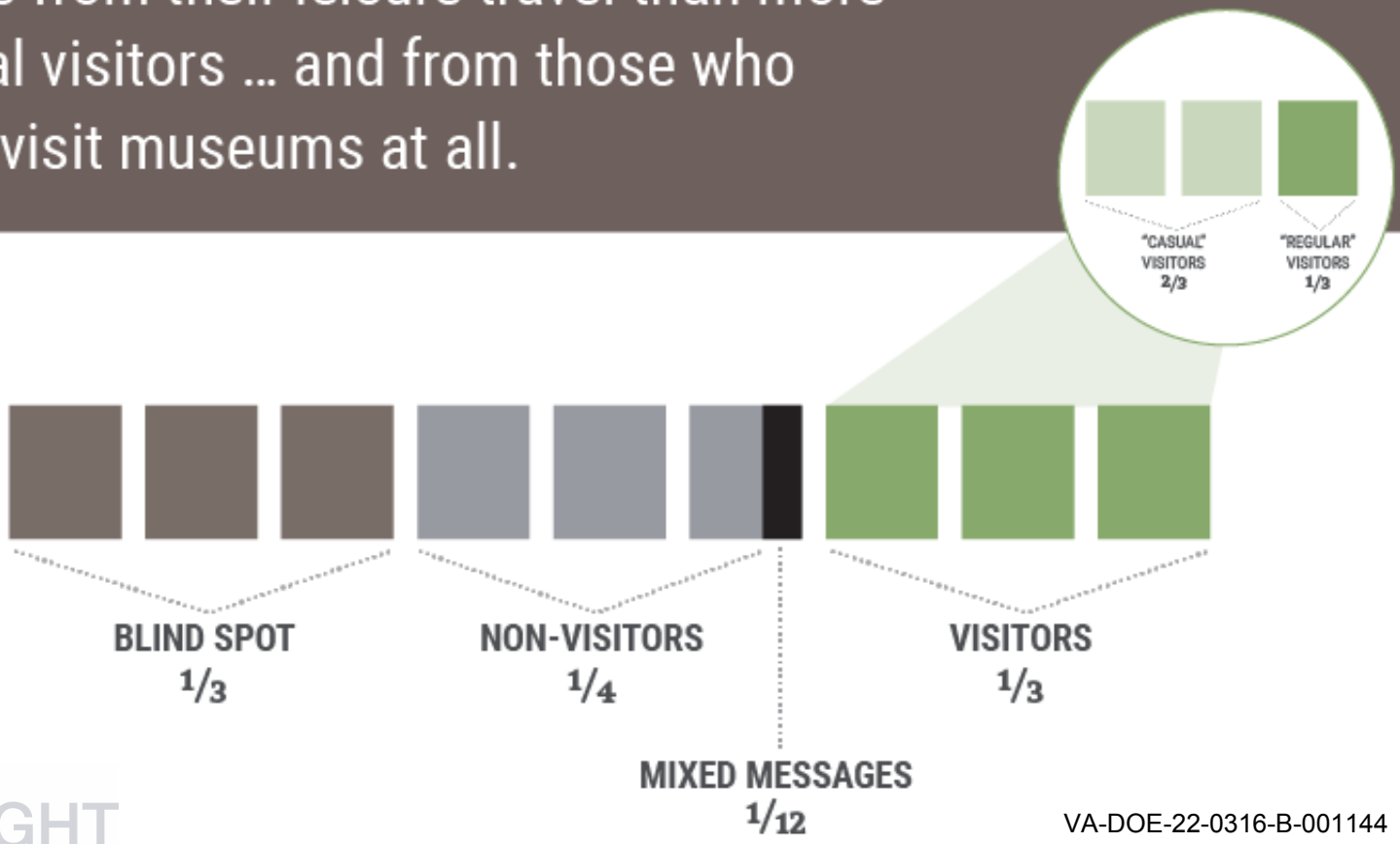
We'll be discussing *much* that divides us … and some things where we don't differ that much after all.

Tourism ... and History

AMERICAN OVERSIGHT

When it comes to leisure travel, the ideological clusters matter less than overall attitudes towards learning and history.

Those who visit museums *regularly* seek somewhat different things from their leisure travel than more casual visitors … and from those who don't visit museums at all.



AMERICAN OVERSIGHT

THREE DIFFERENT GOALS FOR LEISURE TRAVEL:*

RELAXING

EXPLORING (INCLUDING "SENSE OF PLACE")

LEARNING (INCLUDING HISTORY)

AMERICAN OVERSIGHT

*Aside from visiting family

WHAT DO MOST PEOPLE MEAN BY "RELAXING?"

NO SCHEDULE

"Relaxing to me involves a minimal agenda. Perhaps 1-2 things to do that day, but at an easy pace and with room for spontaneity."

– JO (BROADER PANEL)

FUN

"More importantly, my goal is to have fun. Vacation should be fun. If it's not, why are you doing it?"

– HARLIE (BROADER PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001146

WHAT DO MOST PEOPLE MEAN BY "RELAXING?"

BEACH/WATER

"Last vacation I went to Hawaii. It was a trip for sitting on the beach and eating too much food while maintaining a respectable level of intoxication."

– GOFARK Y (BROADER PANEL)

FREEDOM

"Freedom from typical routines, traffic, deadlines, etc. To me, this is what traveling is all about. It's getting a chance to do what I want free from distractions and requirements, as that is very relaxing to me."

– JOE S (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001147

WHAT DO MOST PEOPLE MEAN BY "RELAXING?"

ESCAPE

"Relaxing is letting go of everyday worries to focus on me and what I may want to be doing instead of what I need or should be doing. Without the worries of failure or repercussions."

– EVELLYN (BROADER PANEL)

BUT NOT LEARNING

"History is not usually important for choosing my location, actually it's quite the opposite. Sometimes I associate history with having to think and use my brain while my leisure time is meant to do as little thinking as possible - even if that sounds super lazy, it's true!"

– QUESTIONABLEHISTORY (BROADER PANEL)

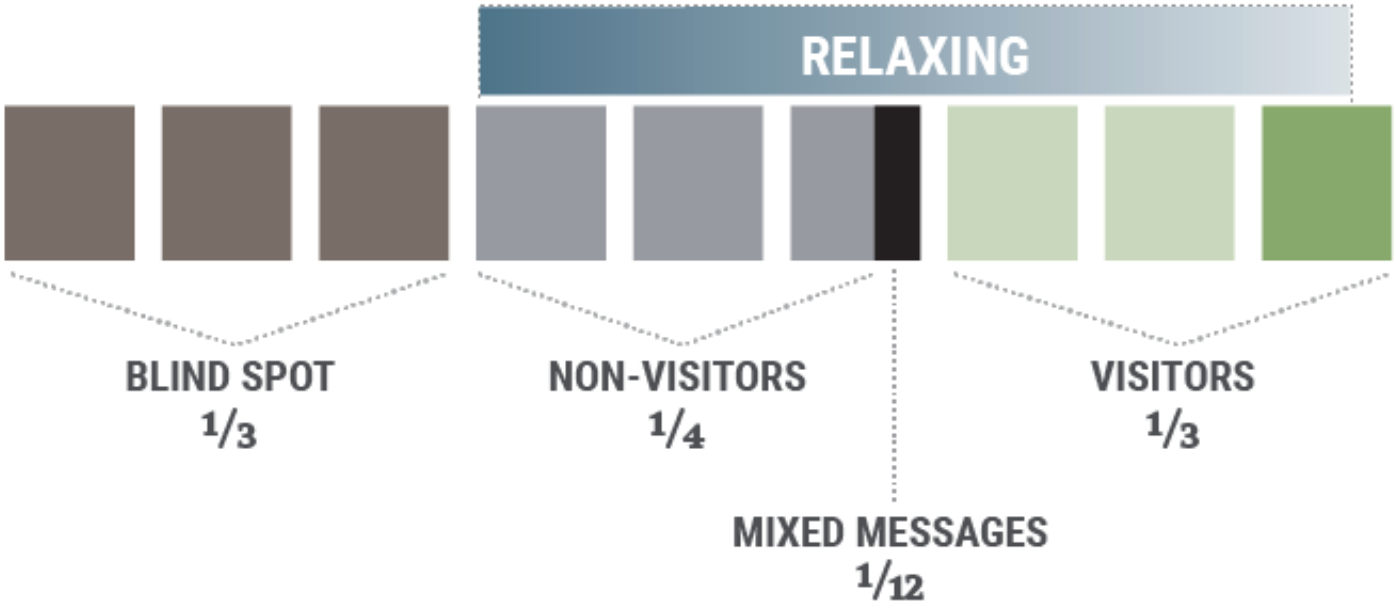
AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001148

Relaxing was the primary goal of the broader panelists of casual and non-visitors to history museums … though most museum-goers valued it to some degree as well.

AMERICAN OVERSIGHT

MOTIVATION: *RELAXING*



AMERICAN OVERSIGHT

But *some* museum-goers don't have "relaxing" as a leisure travel goal.

"We don't 'relax' on vacation. We can sit around at home for free."

– RASHA (MUSEUM-GOERS PANEL)

"Relaxing is actually NOT one of my goals for vacation and travel. I can think of nothing more miserable and boring than sitting on a beach or at a mountain cabin or on a cruise with umbrella drinks – to me a total waste of time and money."

– ANCATDUBH1980 (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001152

THREE DIFFERENT GOALS FOR LEISURE TRAVEL:*

RELAXING

EXPLORING (INCLUDING "SENSE OF PLACE")

LEARNING (INCLUDING HISTORY)

AMERICAN OVERSIGHT

*Aside from visiting family

What do they mean by “exploring?”

Mostly, it is figuring out what makes a place unique … the quirks, the landscape, the people, the food.

Ultimately, it was about exploring the sense of place of a destination.

AMERICAN OVERSIGHT

"I'm drawn most to local culture when it is authentic. I love seeing the unique places, eats, smells, shopping, everything that lends itself to the uniqueness of the place."

- JEN OF THE FAMILY BLOG (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

For many museum-goers, exploration, not relaxation, was the primary goal of leisure travel.

AMERICAN OVERSIGHT

The broader panelists generally liked the idea of exploring as well … but a lighter-weight version than museum-goers.

Their exploration was less likely to include informal learning and history-focused activities.

AMERICAN OVERSIGHT

A recurring theme of *both* panels was exploring food while on vacation.

AMERICAN OVERSIGHT

"I feel like food and how an area treats its history are the two biggest contributors to a sense of place."

– KASH (MUSEUM-GOERS PANEL)

"Food is the easiest one, since I'm looking to try as many things as possible. I love asking the folks who live in the place I'm traveling where they enjoy eating, since no one knows better than someone who has to eat there! I also enjoy eating historic food if I can come across it, though often it seems that you'll be expecting hoe cakes but getting kale (nothing wrong with kale, mind you)."

– KEITHS (MUSEUM-GOERS PANEL)

"Of course, no vacation is complete without relaxing with good food and rests in a comfortable lounge chair. If an area has a reputation for local food specialties, we enjoy sampling and trying out local flavors."

– FELICITY R. BIJOU (BROADER PANEL)

AMERICAN OVERSIGHT

But “sense of place” often included the history.

Both museum-goers and the broader panelists felt history was fundamental to providing a sense of place.

AMERICAN OVERSIGHT

"History definitely adds to the character and background of a vacation place. It defines what the place is, who it is, and its place in our American landscape."

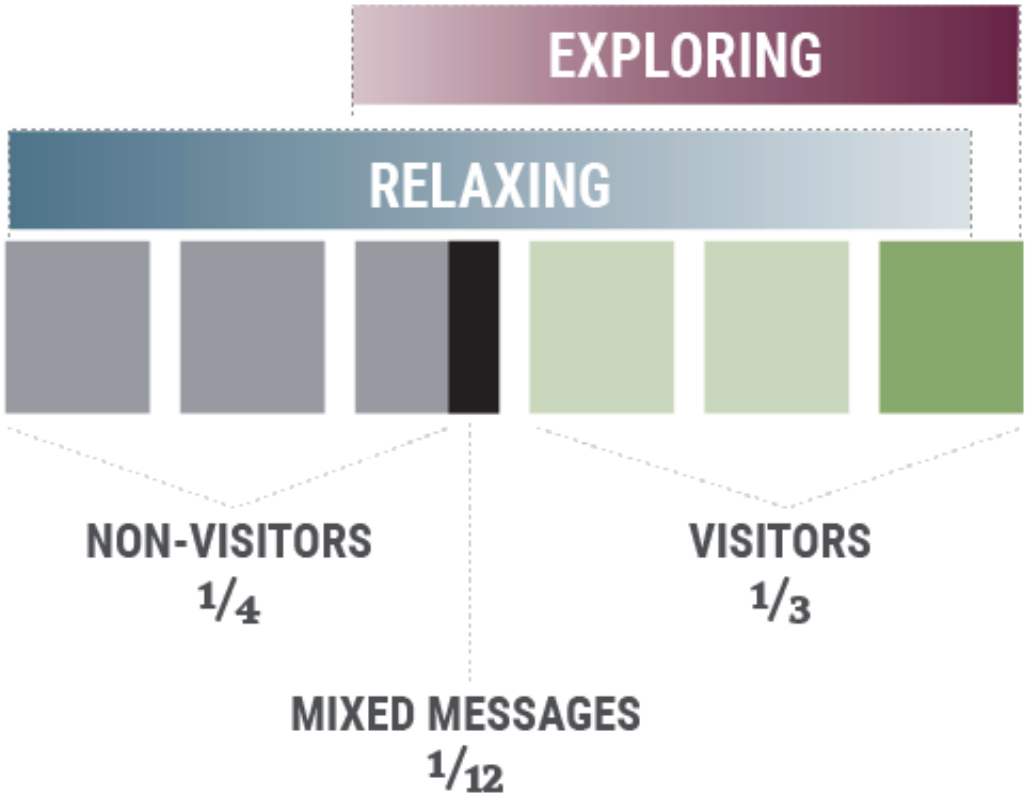
– REBANACH (BROADER PANEL)

"To ignore the history of a place results in a failure to genuinely understand and appreciate that place and its people."

– LISA (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

MOTIVATION: *EXPLORING*



AMERICAN OVERSIGHT

THREE DIFFERENT GOALS FOR LEISURE TRAVEL:*

RELAXING

EXPLORING (INCLUDING "SENSE OF PLACE")

LEARNING (INCLUDING HISTORY)

AMERICAN OVERSIGHT

*Aside from visiting family

Learning, including the personal growth outcomes of learning, were not the *explicit* motivation for most of the broader panelists. And history typically came under the "learning" category.

VA-DOE-22-0316-B-001164

Learning ≠ Relaxing

"I don't go to a museum for leisure. I go because I enjoy learning.

– GOFARK YUSEF (BROADER PANEL)

I see in the questions presented a desire to link leisure time goals with historic site/museum visits. I don't see them closely linked. Two distinct activities, where I expect distinct experiences.

– 603-ME (BROADER PANEL)

… history can be interesting, but I am not interested in it.

– PAUL T (BROADER PANEL)

Castles, churches, museums, forts of past generations do not interest me.

– CANAMERICANA (BROADER PANEL)"

AMERICAN OVERSIGHT

Museum-goers, on the other hand, often mentioned learning as part of exploring … and some were very explicit about learning as a primary vacation goal.

AMERICAN OVERSIGHT

"Learning from the exposure to things outside of my normal life path broadens my perspective and often changes my values and reactions to circumstances.

– FEAN (MUSEUM-GOERS PANEL)

If we're paying to travel, we're seeking adventure, captivating education, and fun!

– RASHA (MUSEUM-GOERS PANEL)

A successful trip is usually marked by wanting to learn more.

– FRED A (MUSEUM-GOERS PANEL)

As a result, my history-focused travel experiences have been some of the most formative of my life.

– LUIS P (BROADER PANEL)"

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001167

And a few history museum-goers make history the point of their leisure travel.

AMERICAN OVERSIGHT

"Our entire vacations usually rotate around visiting some sort of history-related place. If there isn't anything of historical value, then we're not going."

– MUSEUM-GOERS SURVEY

ESSENTIAL and ABSOLUTELY - Other than for family, I only travel for historical purposes. I'm hard core!

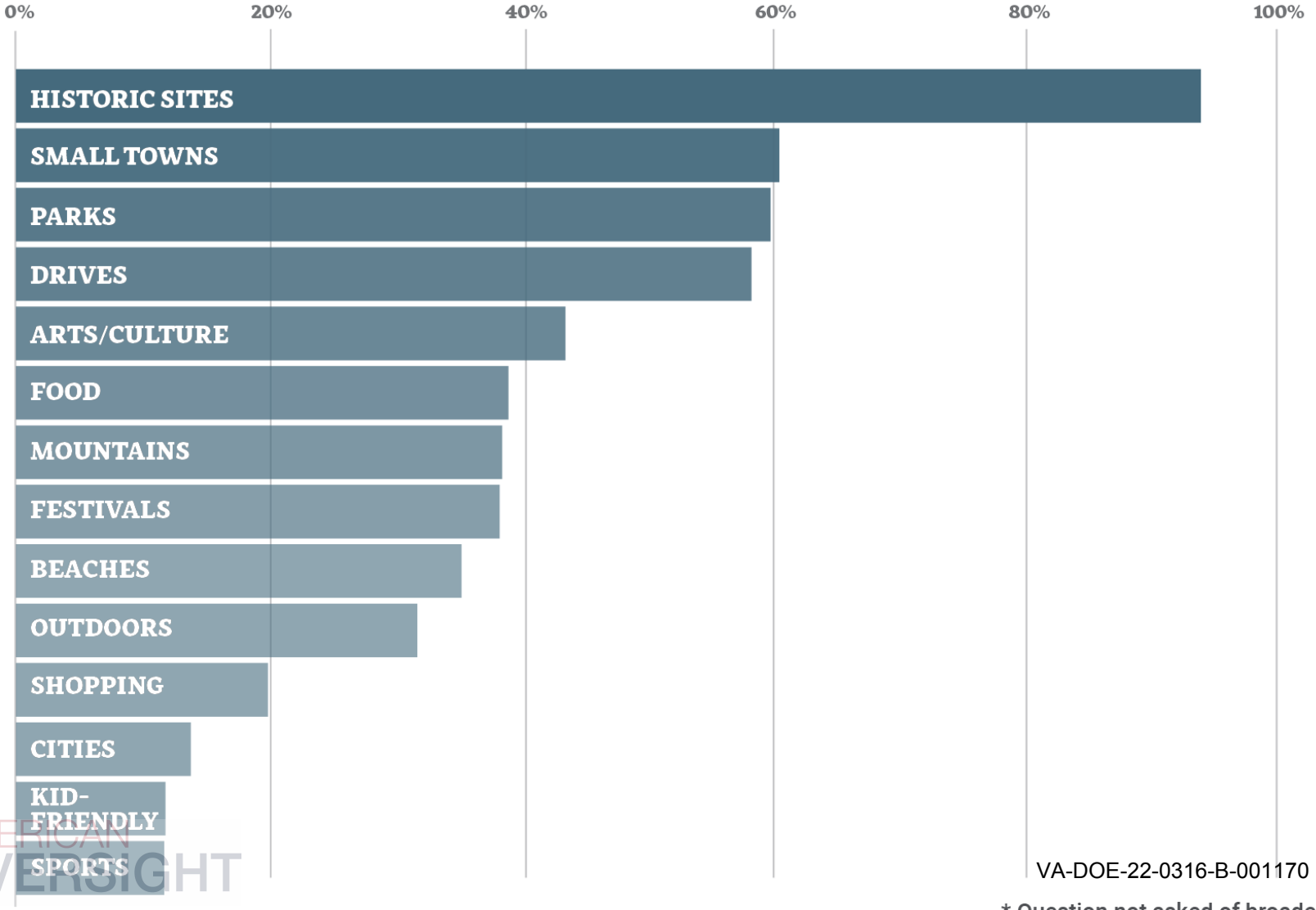
– MUSEUM-GOERS SURVEY

My vacations are planned around my interest in history.

– PAT W. (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

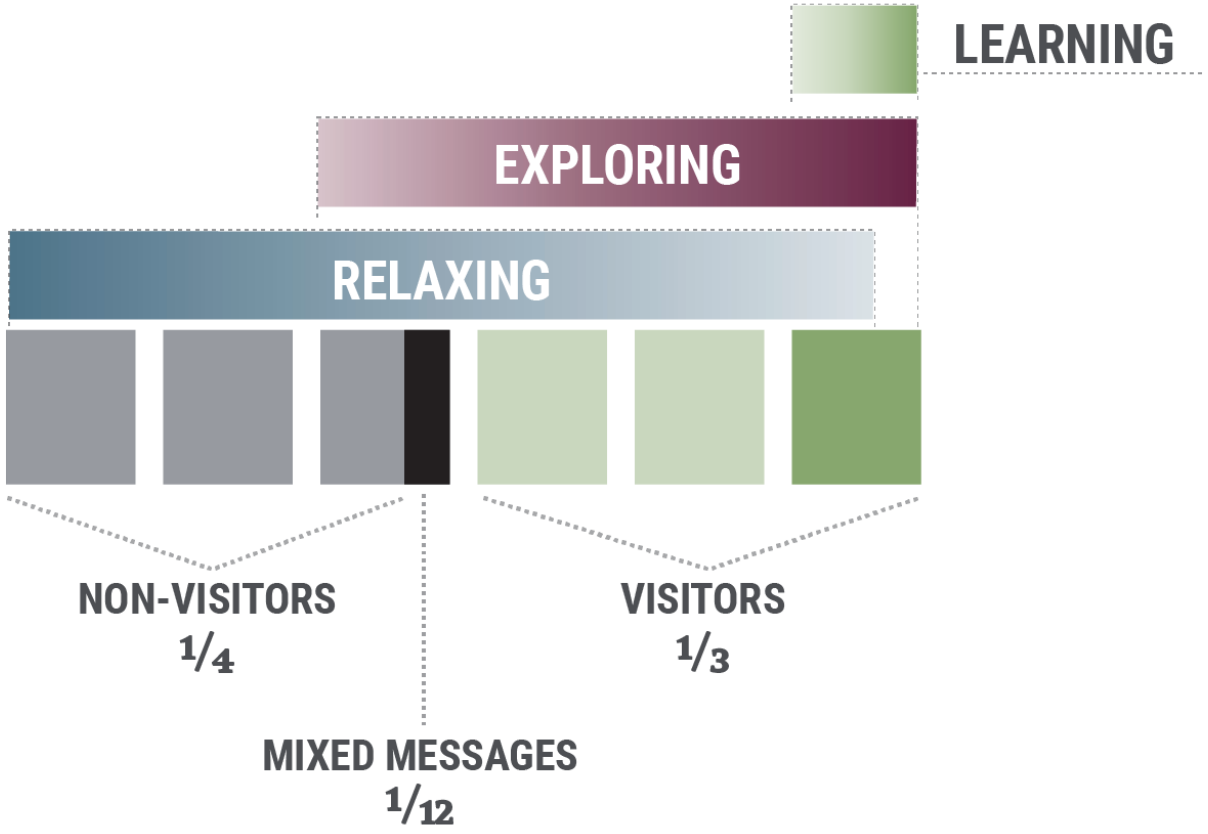
During Travel, What Activities and Destinations are Important?



AMERICAN OVERSIGHT

* Question not asked of broader population.

MOTIVATION: *LEARNING*



For museum-goers, the multiple motivations around leisure time makes it easy for museums to serve them.

But for the broader panelists, history is only part of the exploration process, but it is a part of place that makes travel enticing.

AMERICAN OVERSIGHT

Panelists were also introspective when they thought about what they valued about their leisure travel … with prosocial outcomes coming out.

AMERICAN OVERSIGHT

VALUE OF TRAVEL

"This is an essential part of being a productive part of humanity, in my mind. We all can't visit every part of the world or travel all the time, but wherever we do visit, learning about new places, people, and cultures helps us recognize that the world is much bigger than our own narrow perspective."

– LISA (MUSEUM-GOERS PANEL)

"I find seeing new things and experiencing different cultures is the best answer to ignorance and racism."

– MICHAEL M (BROADER PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001174

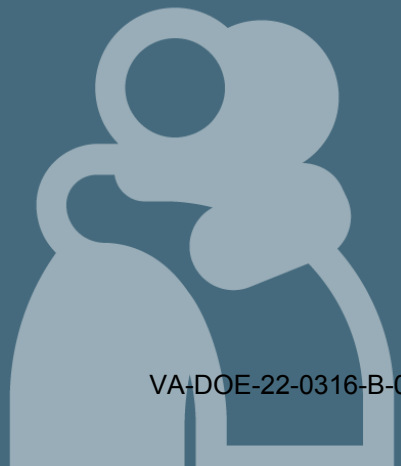
And history, through its ability to help us understand other people and cultures, is a big part of that.

AMERICAN OVERSIGHT

Yet not everyone thought history was as effective as it should be for promoting understanding of others.

A few panelists in the broader panel were much more explicit about what they thought was missing … and it was something that didn't really come up in the museum-goers panel:

Inclusion.



AMERICAN OVERSIGHT

I don't think I would like to see America's historical contribution to a 'sense of place' because we have not fully dealt with our history. It would be dishonest to say our history adds to a sense of place while also denying that history has shaped many present-day outcomes for many people, especially those of color.

– JAMIE J (BROADER PANEL)

Yes, I would like to see more sense of place in American places because we are sometimes afraid to memorialize places with a hard or shameful history. But that takes away from an opportunity to have conversations that bring about peace, reconciliation, and strengthening.

– JO (BROADER PANEL)

AMERICAN OVERSIGHT

LEISURE TRAVEL TAKEAWAYS

- **For the broader panel, relaxation is the primary driver**
  - While exploration is also significant, it takes a lighter form than most museum-goers enjoy
  - Explicit learning is *rarely* a significant motivation

- **For museum-goers, exploration is the primary driver**
  - And that often includes learning and history
  - For some museum-goers, learning and history are THE primary drivers

AMERICAN OVERSIGHT

LEISURE TRAVEL TAKEAWAYS: *HISTORY*

- For the broader panel, history was attractive as a contributor to sense of place
- Thus, use history as a gateway to exploration of interesting places
    - Through people, places, music, culture … and especially food
    - And be honest and deliberate about inclusion … not necessarily as the explicit focus, but as an expectation that will be honestly delivered
- But don't try to frame history as relaxing … that creates dissonance

AMERICAN OVERSIGHT

Attitudes Toward History

AMERICAN OVERSIGHT

History museum-goers are *super* engaged with history … as we would expect.

The broader population isn't … but that doesn't mean they don't *value* history.

VA-DOE-22-0316-B-001181

ATTITUDES TOWARDS HISTORY – BROADER POPULATION

"History is interesting. I honestly wish I was more into it but it's not a major part of my life.

– GOFARKY (BROADER PANEL)

I would categorize myself as a novice in the broader category of general history.

– CANAMERICANA (BROADER PANEL)

I have never had much interest in history in general … [but] I am hoping to gain a fresh perspective on history in general, and look forward to seeing what others have to say.

– A B (BROADER PANEL)

… visiting a historic site is the furthest thing from my mind … I feel close minded and uneducated typing that but it's the truth."

– QUESTIONABLEHISTORY (BROADER PANEL)

AMERICAN OVERSIGHT

VALUE OF HISTORY

Most common reason people valued history:

learning from the past can prevent future mistakes

"I do think history affects current events today, especially in that many people ignore it, or don't learn about it, and so, YET AGAIN, more and more things get repeated that we could avoid if people would just pay attention to the patterns of history, politics, and society."

– THEWREN (MUSEUM-GOERS PANEL)

"The job history offers us is of understanding that and recognizing the patterns. You can't stop the waves from tossing the ship about, but if you're paying attention you can probably keep from being pitched over the rail."

- BROTHER MOON (BROADER PANEL)

AMERICAN OVERSIGHT

VALUE OF HISTORY – OTHER COMMON REASONS

The past affects today

"I think it would be an illogical to say that history does not affect current events today. I don't think that question deserves any further response."

– JOSH S (BROADER PANEL)

Tools for understanding present

"It taught me the role of cause and how nothing happens in a vacuum. These concepts are some of the tools for understanding the past, but perhaps more importantly, I use them daily in the present."

- LISA (MUSEUM-GOERS PANEL)

Tools for understanding people

"I've always been very interested in people and you can't understand people unless you know their stories. People and their stories are so important, and that's all history really is, people and their stories."

- ASHB (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001184

VALUE OF HISTORY – OTHER COMMON REASONS

It explores our shared humanity

"History is important to me because I think it's the story of humankind. I think it proves that no matter what is happening in the world, humans are the same. They are always relatable, and people never really change."

– MARR (MUSEUM-GOERS PANEL)

It gives us identity

"It is important because I matter. My ancestors matter."

– CRAMIREZ (MUSEUM-GOERS PANEL)

It supports citizenship

"History is important to me personally for it enriches every moment of my life with an understanding of how we have arrived as a nation now and of what it means to be a responsible, appreciative, citizen. I feel a deep gratitude for all that have gone before me, and for the good they had achieved, that allows me to live in such a great democracy."

– COLUMBRES (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001185

First, let's examine attitudes around history from the broader panel.

AMERICAN OVERSIGHT

When comparing responses from the broader panel to the museum-goers panel, the broader panel participated in far fewer history activities, and at a more superficial level.

They expressed critiques of history museums and historic sites, but also shared what *would* engage them.

AMERICAN OVERSIGHT

CRITIQUES OF HISTORY MUSEUMS AND HISTORIC SITES

1 THEY ARE NOT THAT INTERACTIVE

"I think the biggest problem with history exhibits is that they do nothing to capture your interest. You kind of have to go in already being interested. Other places, like science museums, tend to have some interactive element that puts you into whatever you're learning about then tells you why it's important. These little interactive bits grab your attention and make you want to know more, rather than 'Oh look. A cannon. That's cool, I guess,' and then you keep walking."

– HARLIE (BROADER PANEL)

2 THEY ARE NOT APPEALING TO MY FAMILY

"I would want my kids to go but I worry they would get bored after an hour."

– BRIDGET (BROADER PANEL)

"I would go alone, My husband isn't into this stuff."

– CINDI H (BROADER PANEL)

AMERICAN OVERSIGHT

DESIRED HISTORY EXPERIENCES

THEY WANT INTERACTIVE, LIVING HISTORY

"It's a live presentation. I can 'see' history happening before me. I can experience how food was cooked, how people talked, what clothes they wore and ask questions to the re-enactment actors. I can hear the accent / different words the people spoke at that time and taste some of their food."

– KAREN K (BROADER PANEL)

"I think it would also be really cool if in the museum they had artifacts that you could touch and hold."

– CLAIRE (BROADER PANEL)

AND REMINDED US THAT INTERACTIVE HISTORY ISN'T JUST FOR KIDS …

"Adults want to play in hands-on museums too, but we're expected to let the kids play. Harumph."

– MEHITABLE OVIATT (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

DESIRED HISTORY EXPERIENCES

THEY WERE MORE INTERESTED IN HISTORIC SITES THAN MUSEUMS:

"I prefer historic sites to museum buildings, so I would go to a historic site. I would pick a site that was the actual location so I could experience the landscape and environment in which the history happened. I usually enjoy historical sites that show how people lived, like a home."

– JO (BROADER PANEL)

"I agree with another respondent that actually going to the historic site to stand in the actual location is preferable to a museum ..."

– UNTIDYHISTORY (BROADER PANEL)

AMERICAN OVERSIGHT

DESIRED HISTORY EXPERIENCES

AND THEY WANT CHOICE. THEY WANT TO FEEL IN CONTROL OF THEIR VISIT.

"The museum should have something to do for all learning styles and interest such as video, rich pictures, interactive activities, tour guides and a map and quick blurb about the exhibits. "

– RANAE B. (BROADER PANEL)

AMERICAN OVERSIGHT

DESIRED HISTORY EXPERIENCES

AND EVEN THOUGH LEARNING AND PERSONAL GROWTH ARE NOT THEIR PRIMARY GOALS FOR LEISURE TRAVEL … THEY DO VALUE THOSE *OUTCOMES* IF THEY *WERE* TO VISIT A HISTORIC SITE OR HISTORY MUSEUM.

"I would want to feel very curious during my visit …"

– JULIA (BROADER PANEL)

"I would want to feel intrigued and have more questions to research about the historical information I would be learning."

– CHRISR (BROADER PANEL)

"I'd want to feel like I was learning something during the visit and be able to remember the experience, in general."

– SEAN (BROADER PANEL)

"After I leave, I would like to feel like I have a good understanding of the historical events at Plymouth Rock and that I understand the different perspectives."

– MOUNTAINLIFE1 (BROADER PANEL)

"I want to feel empowered at the visit."

– BARBARA G (BROADER PANEL)

AMERICAN OVERSIGHT

There was a tension, however, between broader goals of relaxation and how they explore difficult content many history museums and historic sites share.

AMERICAN OVERSIGHT

The strong consensus of the broader population was that history museums and historic sites have a moral obligation to share difficult history.

AMERICAN OVERSIGHT

But for many, doing so *would* affect their desire to visit.

AMERICAN OVERSIGHT

Some broader panelists would avoid difficult history.

"I have not tended to go to many museums or sites that are difficult/serious in nature. I can't say that I have purposely avoided them, it just hasn't been something I've chosen to attend."

– AMT (BROADER PANEL)

"I guess I'm one of those that likes things that are lighter and more fun. I would rather go zip lining and then go to an interesting restaurant than read about awful stuff like the Holocaust. I'm not sure what it would take to make me change what I enjoy doing."

– AIR HEAD (BROADER PANEL)

"When I am on a relaxing vacation, I do avoid as I am on vacation to relax from everyday stresses of life. I don't seek them out intentionally."

– CANAMERICANA (BROADER PANEL)

"In my own leisure time, I don't go out of my way to experience some difficult sites, I have to be in the right frame of mind for it. Leisure time implies a kicked back sort of attitude, to get away from stress and the unpleasant sides of life."

– MACBETH (BROADER PANEL)

AMERICAN OVERSIGHT

Others felt it depended or didn't affect them.

DEPENDS

"If I am by myself, I want to learn all I can and delve into the deep gritty details. If I'm with others, we steer a little lighter. It is still not left out though. So many ugly things could easily be swept aside, but I feel that is wrong."

– HISTORY BUFF (BROADER PANEL)

DOESN'T AFFECT ME/MY DECISION

"I don't get rattled over uncomfortable history--I am fine with it and wouldn't think twice about not visiting a place because it was controversial or uncomfortable."

–BRIDGET (BROADER PANEL)

"I think it doesn't affect my willingness to experience difficult and serious historical experiences. I go for a powerful experience, which can be powerful in either way, good or bad, is irrelevant for me. I go to be moved. To feel. I don't know that I would ever specifically seek out difficult historical experiences over good ones."

– SAMUEL B (BROADER PANEL)

AMERICAN OVERSIGHT

A few hedged, saying they don't avoid, but …

"I do have to be in the right frame of mind knowing, in advance, that the experience may be difficult and challenging. Expectations for museums and sites must be clearly communicated to the public prior to their visit."

– FELICITY R. BIJOU (BROADER PANEL)

"The only time I might avoid exposing myself to something like that is if I'm struggling with my anxiety and depression. When I'm more vulnerable... Then I might plan to go when I'm not struggling so much with my own stuff."

– STARRFIRR (BROADER PANEL)

AMERICAN OVERSIGHT

And some were willing and ready …

"I'm definitely willing to take in sites that may be uncomfortable."

– HUGZ (BROADER PANEL)

"I'm always ready for a history lesson and event learning. Any time there are some dirty nasty history in our past and genocides and everything, I am ready with open ears anytime I can to learn of what my ancestors endured."

– EVELLYN (BROADER PANEL)

AMERICAN OVERSIGHT

But they were very much aware of the tension between relaxing and difficult history, and wanted control over how and when they engaged with it.

BY FINDING BALANCE

"For my own leisure time, I like to do a mix of serious history that would be considered more 'heavy' and also leisure time activities such as skiing, hiking, beach, etc."

– MOUNTAINLIFE1 (BROADER PANEL)

HAVING AGE-APPROPRIATE OPTIONS

"If something is very disturbing, there could be warning. Maybe you don't want to take your 7-year-old to see that part of the museum. Parents would have a choice to expose their children to certain parts of history."

– JANE (BROADER PANEL)

OR BEING ABLE TO OPT IN OR OUT

"Care should be taken with delicate subjects, perhaps with warnings posted before those exhibits for people to decide if they want to engage ..."

– NICOLEG (BROADER PANEL)

AMERICAN OVERSIGHT

But they still felt it was your role to share difficult history.

DEEPER IMPACT IS PREFERABLE TO MINIMAL IMPACT

"People who don't want to see something real about history are free to go to Disney World, the Noah's Ark museum, the mall, or many other places. History museums must not shy away from difficult truths in order to respect 'leisure goals.' I realize this may work against the goal of increasing audiences, but to me, having a profound impact on even a few people is better than having a wishy-washy vanilla impact on a greater number."

– WOODBA (BROADER PANEL)

AND SOME AUDIENCES WILL BE ATTRACTED BY IT

"I think that history sells itself and that most people are interested and fascinated by the history of our fellow humans including the ugly and heinous. Museums provide us with interesting presentations of history and do a great job attracting us to attend. And historic sites also self sell."

– RUTHIE (BROADER PANEL)

AMERICAN OVERSIGHT

When it comes to how the past is shared, there was a theme that came out far more strongly in the broader panel than the panel of museum-goers.

AMERICAN OVERSIGHT

“Looking back, Native Americans were often still considered the bad guys. I don't think I got a balanced view at that time. – JANEY (BROADER PANEL)

Slavery ended in the 1860s, but we're still dealing with its legacy in the forms of poverty and discrimination today. – PWS5204 (BROADER PANEL)

No. School history is mostly if not all WHITE...couldn't connect with it. – BARBARA G (BROADER PANEL)

... The US is a nation of immigrants, yet we seem to portray ourselves collectively as discovering something (there were people here, we didn't discover anything), and taken great pride in that and taking 'ownership' of something that wasn't being offered for sale. And who got displaced/murdered/pushed out and told that there way of life for generations was barbaric or uncivilized and somehow offensive to the God of Christianity?? These are the issues with history and its portrayal that I find inaccurate and frustrating. I would prefer a history experience that tells both sides of the story. And a history experience that perhaps would cause the person experiencing it to see it for what is was. Not so much an act of bravery and heroism, but greed and insatiable desire for power and control. – ZENDA (BROADER PANEL)

I would love for the opportunity to start with an interactive museum that portrays American history in a REALISTIC sense - something that myself and other products of the public school system in the United States are deprived of. Stripping history of its mythological perspective would present the mindset that the individuals that are presented in this museum are relatable - they are not supported by the 'god-like' statues that are presented at history sites. – SIMON G. (BROADER PANEL)”

AMERICAN OVERSIGHT

This indicates that lack of inclusion may be a barrier to history engagement, rooted in how history is taught in school and continuing to how history is presented, or perceived to be presented, today.

AMERICAN OVERSIGHT

BROADER PANEL TAKEAWAYS

HISTORY IS VALUED AND IMPORTANT

BUT ENGAGING WITH IT ISN'T RELAXING

TO BE COMPELLING, IT NEEDS TO BE:

- Interactive
- Hands-on
- Living history
- Make them feel good about learning something (even if learning isn't their leisure time goal)
- Inclusive

HISTORY ON *THEIR* TERMS

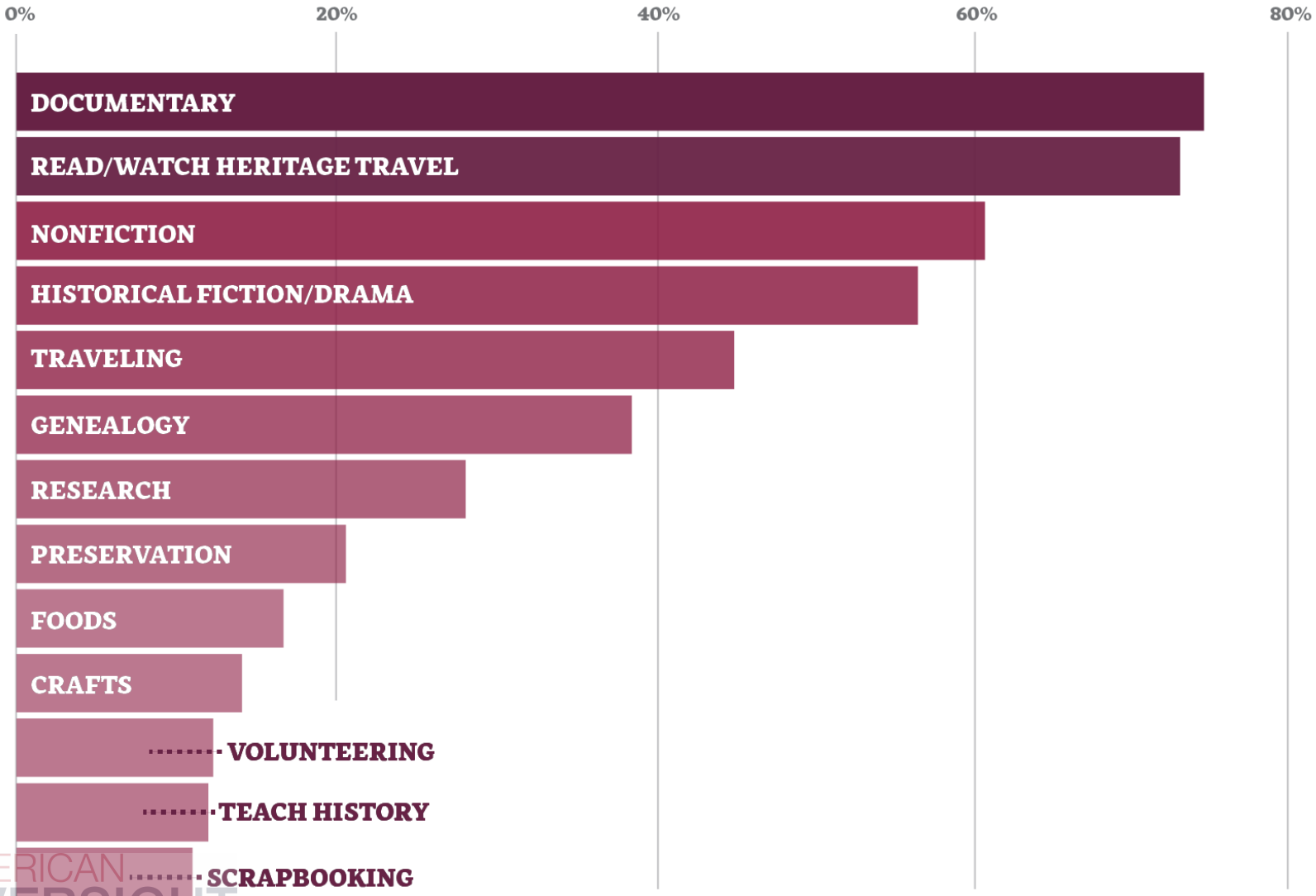
- Contributions to sense of place
- Control over the experience
- Not feel like work
- Be honest and inclusive

AMERICAN OVERSIGHT

There were also major differences in how history museum-goers approach the past … whether it is to learn and cultivate pride and unity … or to learn and cultivate empathy and equity.

AMERICAN OVERSIGHT

What History-Related Activities They Do



AMERICAN OVERSIGHT

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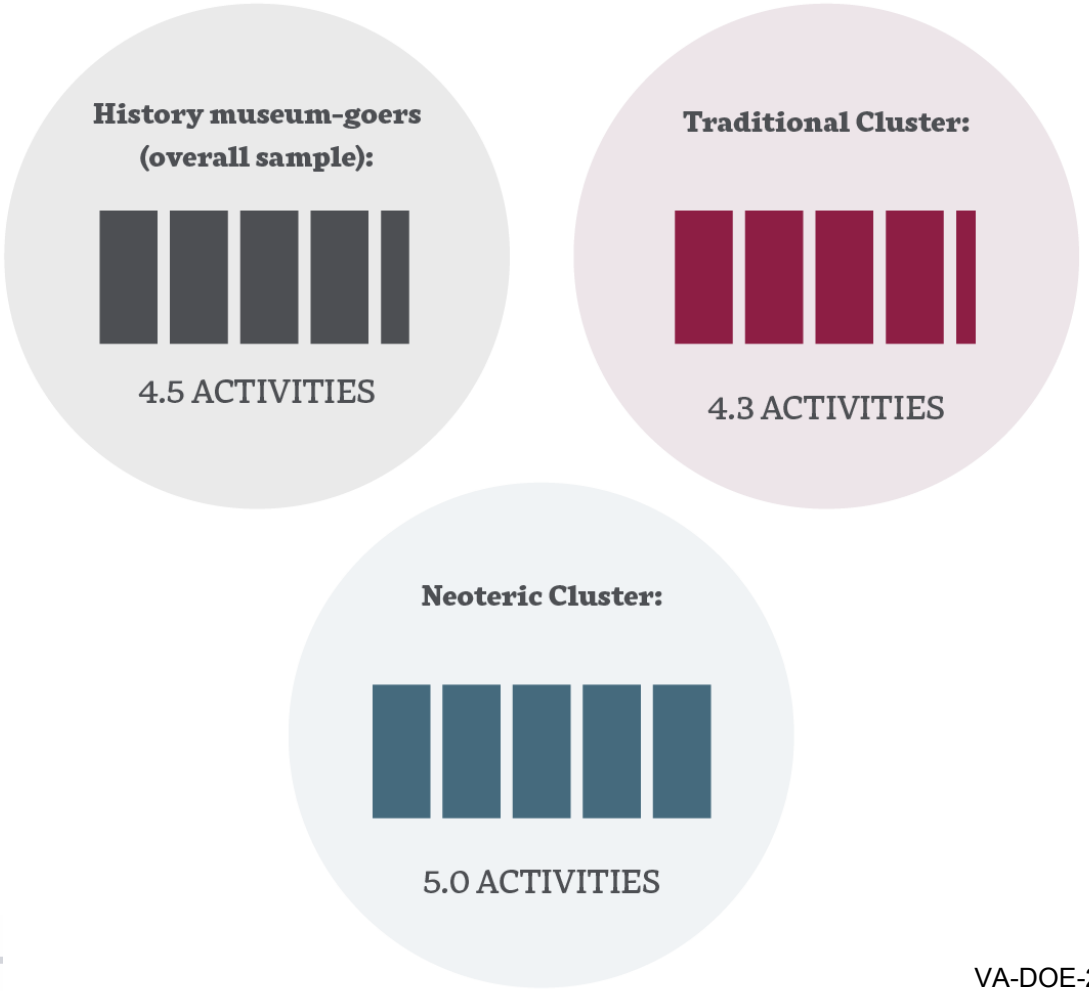
* Question not asked of broader population.

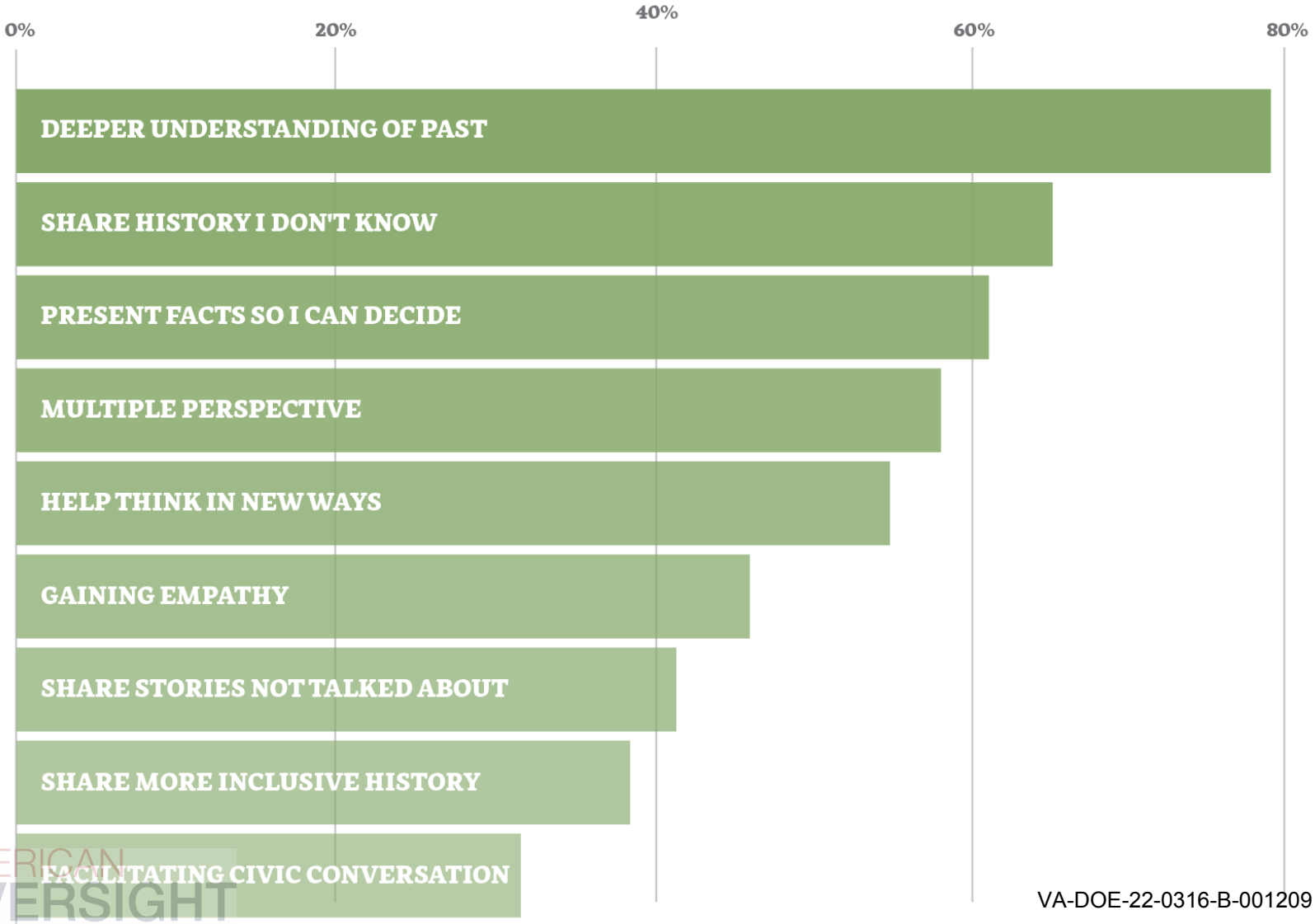
History Activities – *Museum-Goers*

Average number of activities selected:



AMERICAN OVERSIGHT

Most Important Ways Museums & Historic Sites *Should* Talk About History?



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* Question not asked of broader population.

AMERICAN OVERSIGHT

Sharing the Past – *Museum-Goers*

There are two unifying themes for the majority of history museum-goers:

1. **Gaining a deeper understanding of the past**
2. **Learning history they don't know**

And this makes sense … they are deeply interested in history, and extending it feeds their curiosity:

> **"I love it when we can stand with the docent after the tour and he or she imparts little-known facts about the person who owned that place."**
>
> **– HISTORYLOVER1743 (MUSEUM-GOERS PANEL)**

AMERICAN OVERSIGHT

But beyond those two themes, preferences on *how* we share the past become more tightly linked to values, attitudes, and beliefs.

And the differences between the clusters were apparent in the panel work, but quantifiable in the museum-goers survey.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001211

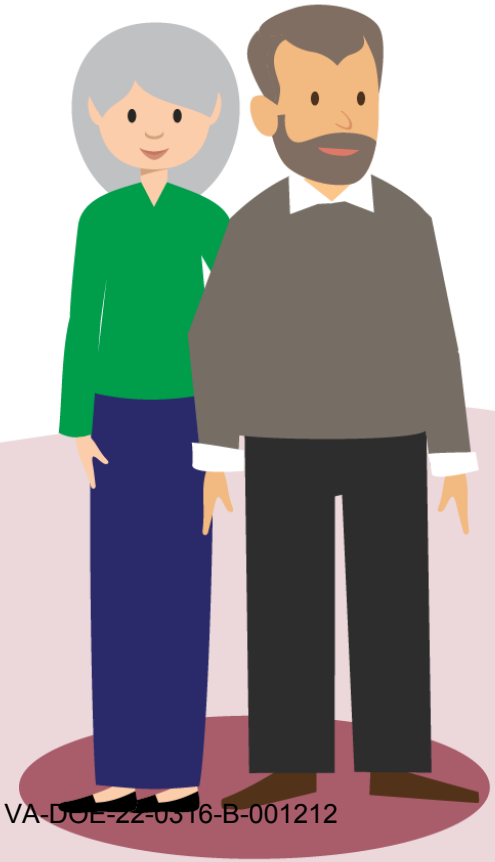
Sharing the Past – *Traditional Cluster*

The Traditional Cluster was less enthusiastic about most of these choices, and were significantly less likely to choose:

- Presenting multiple perspectives
- Being challenged to think about history in new ways
- Sharing stories of the past most people don't want to talk about
- Helping them gain more empathy/understanding of others
- Facilitating civic conversations
- And sharing a more inclusive history

But they were significantly more likely to choose:

- By presenting the facts, and letting them make up their own mind (their second most popular response)



AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001212

Sharing the Past – *Traditional Cluster*

Respondents from the Traditional Cluster were *twice* as likely to choose to write in an additional comment, and most of those comments were critical and/or defensive in nature. They clustered around two themes:

1 Revisionist history and political correctness

> "History is what it is. Too late to change to please people for whom it isn't politically correct."
>
> – MUSEUM-GOERS SURVEY

> "Stop the rewriting of history you Marxist fucks."
>
> – MUSEUM-GOERS SURVEY

2 Inclusion

> "To combat 'inclusive.'"
>
> – MUSEUM-GOERS SURVEY

> "I'm tired of this 'inclusive' crap."
>
> – MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

Sharing the Past – *Neoteric Cluster*

The Neoteric Cluster was less enthusiastic about one choice:

- By presenting the facts, and letting them make up their own mind (though over half still chose it)

But compared to the Traditional Cluster, they were significantly more likely to choose (by factors of 1.5x to 5x):

- Presenting multiple perspectives
- Being challenged to think about history in new ways
- Sharing stories of the past most people don't want to talk about
- Helping them gain more empathy/understanding of others
- Facilitating civic conversations
- And sharing a more inclusive history

AMERICAN OVERSIGHT

Ultimately, when comparing museum-goers with broader panelists, the clear difference was in attitude about engaging with the past in the first place.

There are those who are engaged, and others who value history but see it as more work and less engaging.

VA-DOE-22-0316-B-001215

But for individuals who *are* engaged with the past, sharp differences arise that are driven by their values, attitudes, and beliefs … including how we perceive our country in the first place.

AMERICAN OVERSIGHT

Patriotism and American Identity

AMERICAN OVERSIGHT

TYPES OF AMERICAN PATRIOTISM (OR NOT)

BLIND PATRIOTISM:

- A concrete and uncritical support of national policies and practices
- *Can* be rooted in American nationalism
- Increases affection for in-groups
- *"The United States is the best country on earth."*

SYMBOLIC PATRIOTISM:

- More abstract and affective attachment to nation and its core values
- Separates out affection for country from support for its institutions and policies
- Increases affection for out-groups
- *"The United States is a great country … but so are others."*

MINIMAL/NO PATRIOTIC IDENTITY:

- Not part of their identity … or feel betrayed by the United States
- Generally feel that other countries are better

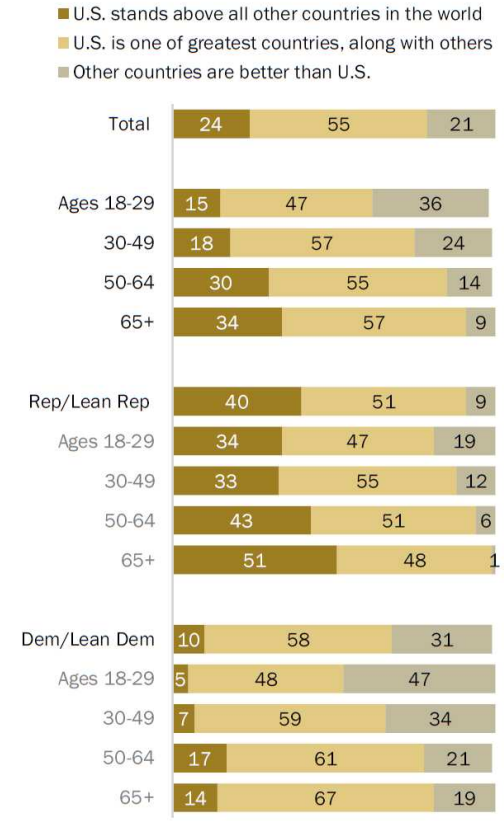
AMERICAN OVERSIGHT

[1] Generalized definitions taken from University of Washington professor Christopher Parker's work on patriotism

AMERICAN PATRIOTISM – *PEW RESEARCH CENTER*[2]

Nearly half of young Democrats say other countries are better than the U.S.

Which of these statements best describes your opinion about the United States? (%)



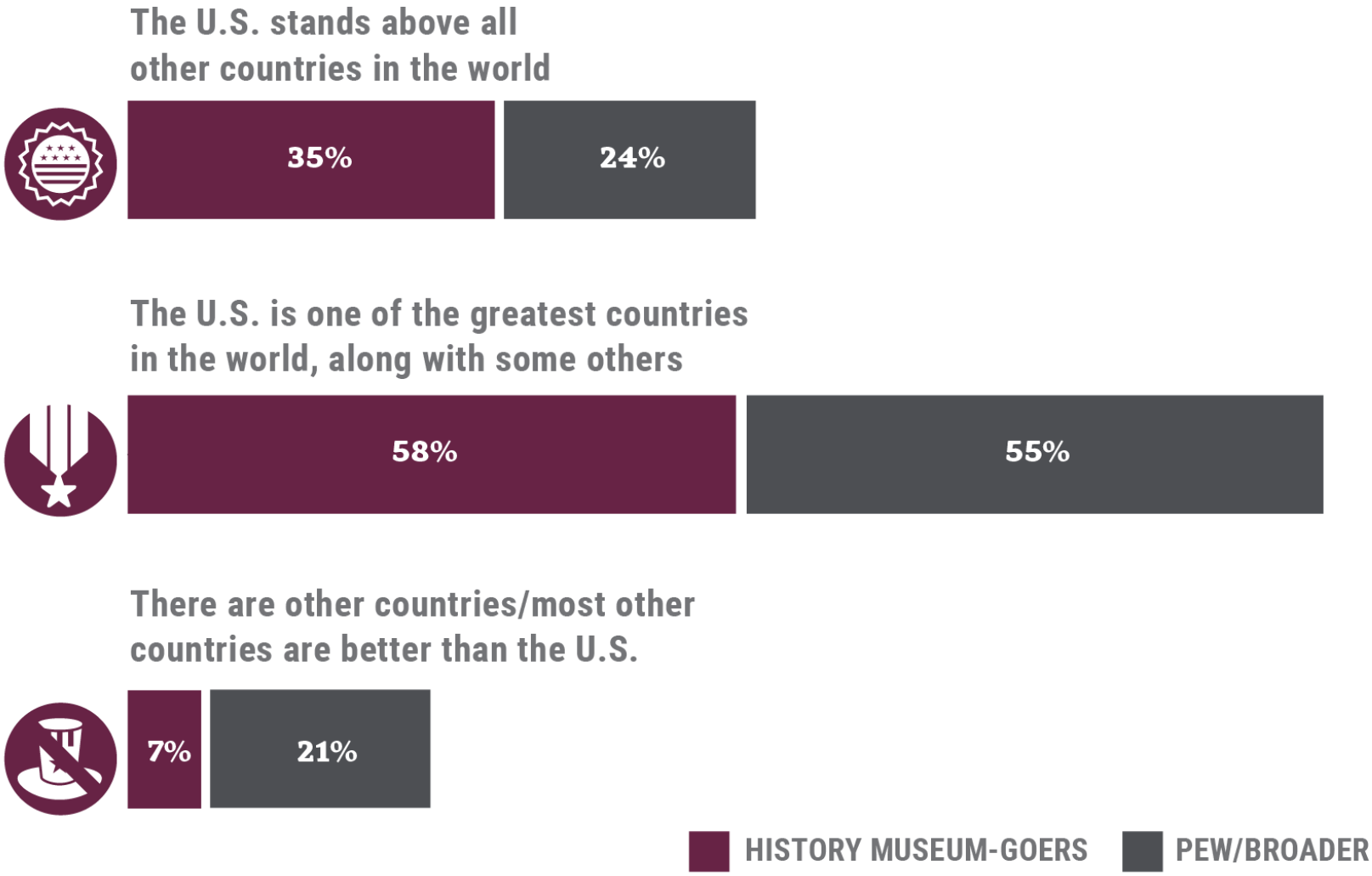
Note: No answer responses not shown.
Source: Survey of U.S. adults conducted Sept. 3-15, 2019.

PEW RESEARCH CENTER

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001219

AMERICAN PATRIOTISM – *HISTORY MUSEUM-GOERS*



AMERICAN OVERSIGHT

AMERICAN PATRIOTISM – *HISTORY MUSEUM-GOERS*

Blind Patriots much more likely to be conservative, have less inclusive attitudes

- Conservatives were 7x more likely to identify as "Blind Patriots" than liberals; <1% of conservatives said they were not that patriotic
- Less than 10% of liberals identified as Blind Patriots
- Less engaged with history than others

Symbolic Patriots are much more likely to be moderate or liberal

- They tended to be more inclusive than Blind Patriots
- In broader population sampling, were 50% more likely to visit history museums than Blind Patriots

No patriotic identity

- Much more likely to be liberal, but only comprise a small percentage of history museum-goers
- They were more common in broader population sampling
- Most inclusive attitudes

AMERICAN OVERSIGHT

Panelists in both panels represented a spectrum of attitudes around American identity that lined up with their patriotic identity and values.

VA-DOE-22-0316-B-001222

AMERICAN IDENTITY

Panelists in both panels represented a spectrum of attitudes around American identity

"Being an American means everything to me! "

–CHASINGHAWK (MUSEUM-GOERS PANEL)

"I am proud to be an American. I am the daughter of a veteran and granddaughter of WWII veterans. I was raised with a strong sense of being thankful for what we have and appreciative of the sacrifices that were made for this country to be what it is now."

– BECKY (MUSEUM-GOERS PANEL)

"As I get older I realize more and more how lucky I am to be born American. We have so much that so many other countries do not -- very basic things like a stable government not on the daily verge of overthrow, career possibilities for everyone, civil rights, freedoms of expression and religion and sexual preference, laws against basic discrimination, and a strong culture that is flexible to allow many other cultures to thrive in it."

– GEORGE D (BROADER PANEL)

"It is a small part of my identity, I am more than just the country I was born in."

– ZENDIA (BROADER PANEL)

"Being American is not a significant part of my identity. Quite frankly, I'm embarrassed when I go abroad to be identified as American due to the current administration. I think nationalism, patriotism, and overly identifying with a country, culture, or religion is harmful and divisive, rather than something to take pride in. "

– [redacted]UBH1980 (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-00[redacted]223

For Blind Patriots in the Traditional Cluster, American identity was rather straightforward.

VA-DOE-22-0316-B-001224

But those in the Neoteric Cluster, which includes more Symbolic Patriots and those without patriotic identity, American identity was more complicated.

For some, there had been a shift in their American identity in recent years.

VA-DOE-22-0316-B-001225

AMERICAN IDENTITY – *NEOTERIC CLUSTER*

"Being American has always been a large part of my identity … and until recently, I was very proud to be American and proud of the ideals that we stood for around the world. … But in the last few years, I've really had a serious struggle with being American and what that means. I don't believe what is currently happening in the country is much to be proud of and I am truly bothered to think that anyone would associate me with some of the political values that are being espoused. So I've had to come to terms with what it means to me to be American and whether or not it's ok for me to love America unconditionally … I'm sad. I'm sad at the way things are going and how we don't seem to be striving for some of these goals and ideals we used to. So it's less of a part of my identity now, than it was before."

– EVERDEE19 (MUSEUM-GOERS PANEL)

"Frankly, within the past 4 years, my association with being an American carries lots of baggage. At its base, it reaches the level of embarrassment when it comes to the direction and focus our nation has taken since 2016-17."

– FELICITY R. BIJOU (BROADER PANEL)

"At 61, you would think I would have had time to figure this out. I want to be proud of our country, and until lately, I was … after the last 3 years, I'm scared for our country and want to help to make it stay something to be proud of."

– CINDI H (BROADER PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001226

But for people of color, responses were sharper.

VA-DOE-22-0316-B-001227

AMERICAN IDENTITY – *PEOPLE OF COLOR*

"To be an American means to have been living in a country my whole life where I have been made to feel by White Anglo Americans to be less than. "

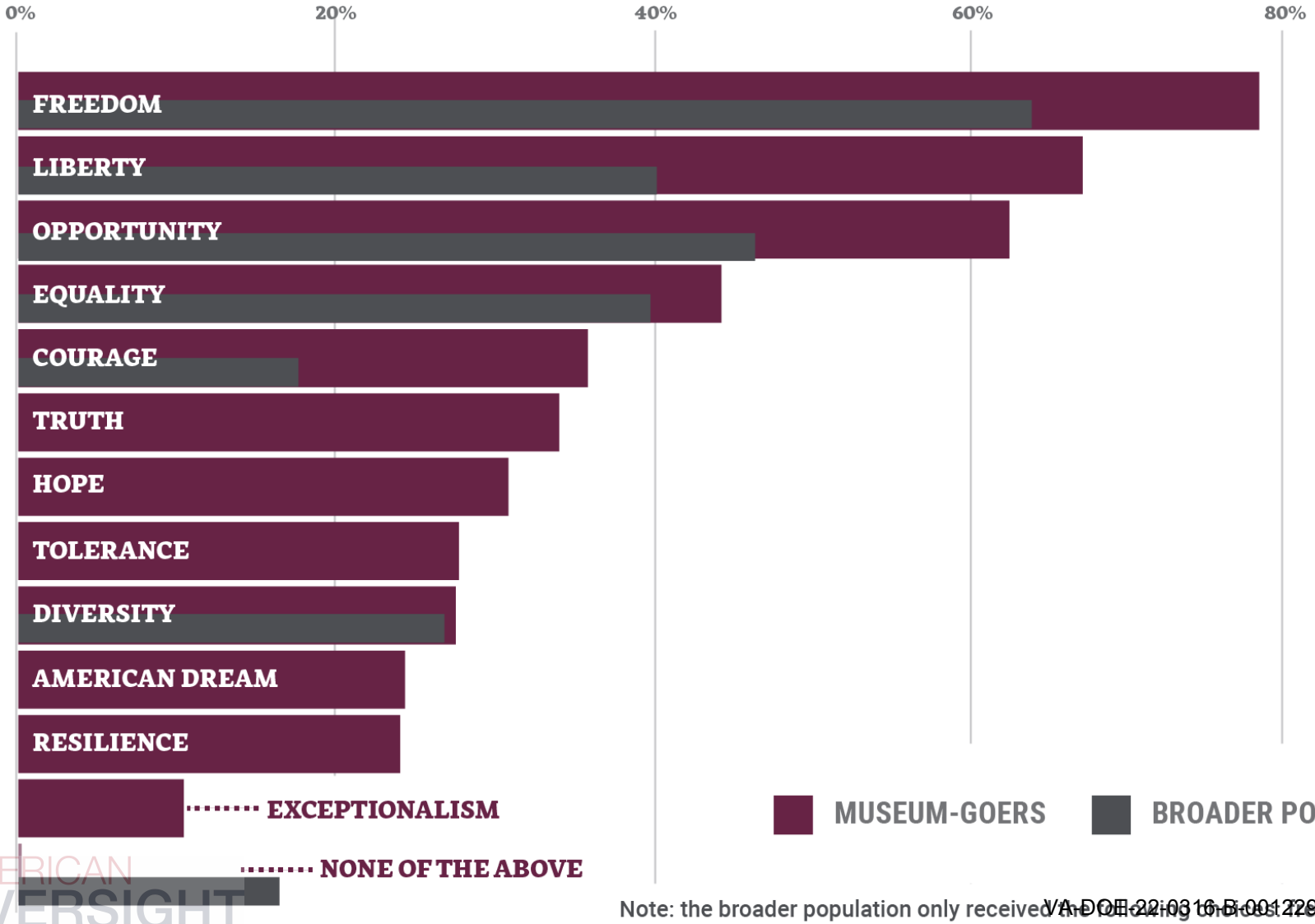
– CRAMIREZ (MUSEUM-GOERS PANEL)

"I am not particularly patriotic. I don't think America has ever been great or is currently great. I think it's OK and we still have work to do. "

– JAMIE J (BROADER PANEL)

AMERICAN OVERSIGHT

Which of America's Founding Ideals are Most Important to You? (Choose 5)



Note: the broader population only received the following choices: freedom, liberty, equality, diversity, courage, and opportunity, and were limited to 3 choices

AMERICAN OVERSIGHT

UNITING VALUE

FREEDOM

"Being American to me means freedom …"

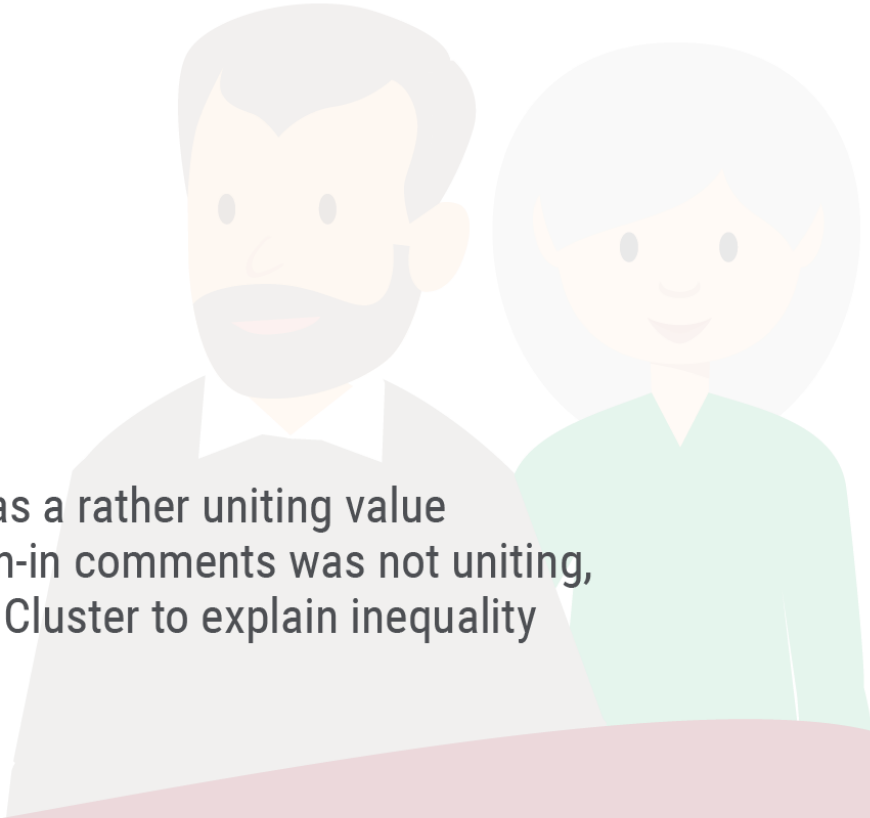
– KELLY (MUSEUM-GOERS PANEL)

"Being American means being free."

– CHILLMONGER (BROADER PANEL)

AMERICAN OVERSIGHT

TRADITIONAL CLUSTER VALUES



LIBERTY

COURAGE

AMERICAN DREAM

EXCEPTIONALISM

OPPORTUNITY

- In quantitative analysis, this word appears as a rather uniting value
- BUT … the way this word was used in written-in comments was not uniting, but instead used by some in the Traditional Cluster to explain inequality

AMERICAN OVERSIGHT

TRADITIONAL CLUSTER VALUES

Additionally, written-in comments and panel comments brought other themes forward:

SELF-RELIANCE, WORK ETHIC

"Earning your own way, protecting yourself and your family and working towards improving the country are what the United States was founded on."
– DSAR93 (MUSEUM-GOERS PANEL)

"... a strong work ethic that rewards with personal satisfaction and a decent standard of living."
– GEORGE D (BROADER PANEL)

RELIGION AND SACRIFICE

Virtually *all* religious comments came from Traditional Cluster

"So, yes, I very much believe that America was founded on Christian principles and biblical foundations."
– AERISKATE (MUSEUM-GOERS PANEL)

"True appreciation of our great country and all of the people in it, giving thanks to God and all who came before to sacrifice to give all that we have."
– MUSEUM-GOERS SURVEY

Religion and sacrifice came up far less in the broader panel

AMERICAN OVERSIGHT

NEOTERIC CLUSTER VALUES

EQUALITY

DIVERSITY

TOLERANCE

Written-in addition:

IDEA THAT AMERICA DOES NOT LIVE UP TO OUR FOUNDING VALUES

"It was stated this country was founded with all people being created equal, but America, and Americans have failed at that. The founding documents must be held to the language it contains for all Americans. We need to honor those documents to make all peoples equal."

– MUSEUM-GOERS SURVEY

There was also pushback within this cluster about American founding values in the first place

"There are not any particular values that I would associate with being uniquely American. For example concepts such as courage, honor, duty, freedom, ingenuity, creativity, etc. can be found in many people, no matter what country they live in."

– ANCATDUBH1980 (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

CONFLICTING VALUES

AMERICAN GREATNESS

TRADITIONAL CLUSTER
Almost goes without saying

"America is the best country in the world, without question."

– MUSEUM-GOERS SURVEY

NEOTERIC CLUSTER
"Greatness" is a fraught term

"The 'make America great again' culture is infuriating because ultimately we just have a toned down version of the same problems - institutionalized racism, misogyny, xenophobia, homophobia, etc. Can we call ourselves great when we are a country that was literally built by slave labor and the genocide of the native people?"

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

CONFLICTING VALUES

CHANGE

TRADITIONAL CLUSTER

Values don't change

"I think America more than ever needs to look at the ideals and values of our Founding Fathers. I realize we live in a different world, but value and ideals are eternal. The America we live in today is not what our Founders envisioned unfortunately."

– MUSEUM-GOERS SURVEY

NEOTERIC CLUSTER

Values evolve as ideas, knowledge, and science expand

"I think the most important product of the United States' founding is the Constitution which still provides the basis upon which our country functions. But the Constitution has to be used in ways to address today's questions in ways the Founders would have never expected or even desired. To be a strict constructionist does not allow for changing ideas, knowledge, scientific discoveries."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

CONFLICTING VALUES

EQUALITY

TRADITIONAL CLUSTER

- Sense that equality exists for all now, and that actions to increase equality subverts our founding values
- More likely to distinguish between equality of *opportunity* from equality of *outcome*

"Economic and social equity sounds like socialism and socialism SUCKS and has no place here in America. America is about equality of opportunity, not equality of outcome."

– MUSEUM-GOERS SURVEY

"The values and ideals are hugely relevant and they teach people how to be happy and successful. The problem is these are not being taught as they were originally implemented. They've been turned upside down. The values and ideals from America's founding stressed equality of opportunity, not equality of outcome. The responsibility you have to rely on yourself to succeed, not on government to bail you out for your bad choices or lack of initiative. That you don't wrap yourself in victim-hood and blame others for your failings."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

NEOTERIC CLUSTER

- True equality doesn't exist for all now, and we have much work to do
- More likely to bring up equity

"We are still being challenged to achieve equality and true freedom."

– MUSEUM-GOERS SURVEY

"We still have work to do on living up to our values and ideals, legacy of slavery, and economic and social inequity."

– MUSEUM-GOERS SURVEY

CONFLICTING VALUES

UNITY VS. DIVERSITY

TRADITIONAL CLUSTER

- More likely to see these terms in opposition
- Seeking unity is strongly desired
  - And diversity inhibits unity and strength

"... as if diversity in and of itself was a virtue. It is NOT. Not unless we all share the same values and we all work together for our communities and country. WE ARE AMERICANS. WE ARE IN IT TOGETHER. What divides us makes us weaker. What unites us makes us strong and vibrant ..."

– MUSEUM-GOERS SURVEY

"If you emphasize division (diversity) you will drive people apart ..."

– MUSEUM-GOERS SURVEY

NEOTERIC CLUSTER

- Less likely to find conflict between two values
- Celebrating diversity is strongly desired
  - And diversity creates strength

"We no longer have a common story. Rather than adding to the braids of our narrative with greater understanding and additional voices, our story has frayed into numerous strands, which are weak and limited - or no rope at all, with no understanding of the past for way too many people. We need to work together to develop a thicker rope, a stronger narrative that ties us together to tackle the challenges of the future. "

– MUSEUM-GOERS SURVEY

Tolerance = putting up with ... if we can find unity and common purpose

Tolerance = celebrating differences, which make us stronger

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001237

CONFLICTING VALUES

VALUE OF INCLUSION

At the root of much of this is widely varying attitudes around the value of inclusion … and they correlate strongly with patriotic identity

RATES OF INCLUSIVE ATTITUDES BY PATRIOTIC IDENTITY:

FOR THOSE WHO ARE NOT PATRIOTIC, THEIR INCLUSIVE ATTITUDES APPEAR TO BE MOTIVATING THAT CHOICE

- Most sharply critical of U.S. for not living up to freedom and equality of all
- More likely people of color, younger, and more liberal
- But for Blind Patriots, these attitudes can feel un-American

AMERICAN OVERSIGHT

AMERICAN IDENTITY: TAKEAWAYS

TRADITIONAL CLUSTER

- Prefers an America that aligns with their more traditional values … which tends to make them Blind Patriots
- *Most* desired what they perceive as a benign status quo, which can include:
  - Tolerance is something you put up with
  - We are not hyphenated Americans
  - People of color should assimilate into existing mainstream culture
  - Desire for unity and a common story … which tends to be celebratory and not that inclusive
- But *some* are fighting hard for a celebratory white history … and deliberately avoiding or loudly condemning more inclusive stories
- In broader population, the Traditional Cluster is less likely to visit history museums
  - But a significant segment of history museum-goers are Traditional

NEOTERIC CLUSTER

- Prefers an America that promotes equality and diversity … which tends to make them Symbolic Patriots or to not have patriotic identity
- Most desired a more inclusive America, as they felt it aligned with ideals of our country
  - Tolerance means acceptance
  - We are all our own cultures/identities
  - There are many stories that contribute to our country's story
  - Equity matters
- More likely to visit history museums, casually or regularly

AMERICAN OVERSIGHT

Thus, we can conclude that those who are in the Traditional Cluster who are engaged with history are *already* visiting history museums … and the others in this cluster are among the least likely to visit.

VA-DOE-22-0316-B-001240

But while those in the Neoteric Cluster are more likely to visit history museums, many are casual visitors who could be encouraged to visit more often … and some are choosing not to visit because they don't think museums are inclusive enough.

Audience growth, is most likely to come from those in the Neoteric Cluster.

AMERICAN OVERSIGHT

But history museums can’t ignore the significant percentage of engaged history museum-goers who are from the Traditional Cluster.

VA-DOE-22-0316-B-001242

Lenses of American History

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001243

The evidence from this research makes clear that our values, attitudes, and beliefs strongly affect how we view the past.

Fortunately … most people admit this.

VA-DOE-22-0316-B-001244

"I certainly assume my own perspective shapes my view of history, and as much as I'd like to be open-minded, I tend to put a lot more weight on historical accounts that confirm my biases.

– HASTINGS (MUSEUM-GOERS PANEL)

I think it's impossible for our values, attitudes, and beliefs not to affect how we view the past. Let's face it, we interpret the past through our current understanding of what it means to be human.

– SUSANNE M. (BROADER PANEL)"

AMERICAN OVERSIGHT

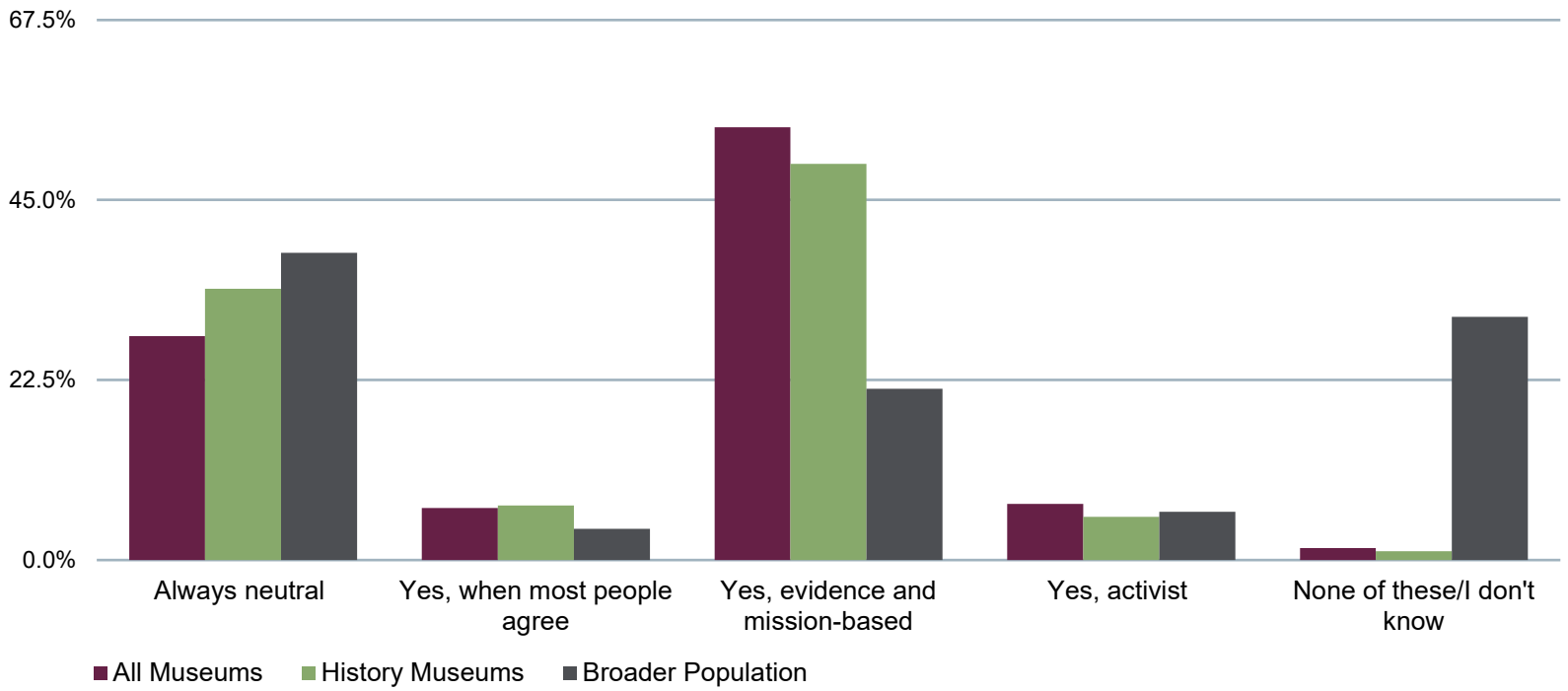
LENSES OF AMERICAN HISTORY

People's values, attitudes, and beliefs strongly influenced how they examined and considered American history

- Perceptions of museum neutrality
- Historical empathy
- Difficult history
- Whitewashing the past
- Sharing *everyone's* stories
- Race and inclusion

AMERICAN OVERSIGHT

SHOULD MUSEUMS TAKE A POSITION



Source: 2020 Annual Survey of Museum-Goers (Wilkening Consulting + AAM)

VA-DOE-22-0316-B-001247

PERCEPTIONS OF MUSEUM NEUTRALITY

Individuals who identified as conservative were 5.5x more likely than self-identified liberals to say "always neutral" (55% vs. 10%)

"I think history can bring people together in a museum because it should be a neutral setting where people can explore and make their own decisions. Yes, I believe museums should remain neutral ..."

– SEAN (BROADER PANEL)

Self-identified liberals were 2.2x more likely to say "evidence-backed position" (68% vs. 31% of conservatives)

" 'Neutral middle ground' sounds so damning....isn't 'The Truth' what we should aspire to? If I go to a WWII museum that has a display about the concentration camps and genocide that says maybe it did happen, maybe it didn't, we're being neutral, I will not want to be a patron. "

– WOODBA (BROADER PANEL)

AMERICAN OVERSIGHT

Data Source: 2020 Annual Survey of Museum-Goers (Wilkening Consulting + AAM)

PERCEPTIONS OF MUSEUM NEUTRALITY

In reality, however, there is no neutral position

"No! Neutrality is impossible…

– ELLEN (MUSEUM-GOERS PANEL)

History is not neutral, so a museum should not be either.

– HAKIMBRUE (BROADER PANEL)

The middle ground is hard to define and will actually be different for different people. What someone feels is the middle might seem polarizing to someone else."

– ASHB (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

BIAS

Traditionals were more likely to see bias in how history is presented *today*, but not so much the past.

"A return to an accurate view of history."

– MUSEUM-GOERS SURVEY

For Neoterics, bias is more often seen in how history was presented *in the past*...and they want a more inclusive history presented today.

"I think rather than catering to the botched history most of us grew up on, historical sites and museums should focus on the facts without withholding or sugar-coating details."

– HARLIE (BOOMERSMILE)

AMERICAN OVERSIGHT

HISTORICAL EMPATHY

MORE TRADITIONAL

- Say they exhibit more historical empathy because they don't judge people of the past by the morals of today
- But they seem to *feel* personally judged by those past events … and some appear to feel shame or guilt

MORE NEOTERIC

- Say they exhibit more historical empathy because they consider those who were harmed in the past, and apply what they feel is a basic standard of humanity to events of the past
- But they don't *feel* personally judged by those past events … and appear to feel more remorse

AMERICAN OVERSIGHT

DIFFICULT HISTORY

Most say that history museums have an obligation to share difficult history

> **It's their most important obligation in my mind.**
>
> – TC (MUSEUM-GOERS PANEL)

> **History museums are obligated to be truthful, and not exploring difficult realities of the past (or present) is essentially a lie-of-omission. If museums choose not to present information because it might be painful, they're contributing to the myth-building of culture and that can be a dangerous path.**
>
> – TIMBH (BROADER PANEL)

But there is division on why and how … and when it comes down to it, even *if*.

AMERICAN OVERSIGHT

DIFFICULT HISTORY

MORE TRADITIONAL

"I truly believe that museums and historic sites need to tell all the truth about historic events. There is no need to apologize or whitewash history - it happened, and we learned from it."

– SCARLETT (MUSEUM-GOERS PANEL)

MORE NEOTERIC

"People, especially in this day and age, are asking for this history and asking for places to come clean … I think it's a form of reconciliation to at least tell these people's stories and tell them as individuals."

– MARR (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001253

DIFFICULT HISTORY

MORE TRADITIONAL

"I feel that American history has been co-opted and turned unfairly into a net negative. I would like to see a more positive (not jingoistic, just not self-loathing) perspective return to our view of history."

– BROTHER MOON (BROADER PANEL)

MORE NEOTERIC

"It absolutely HAS to be told. If those uncomfortable things are not spoken about, lessons from past mistakes will never be gleaned, and the US will continue to have this unacceptable aversion to talking about race, privilege, and class."

– SNAILSA (BROADER PANEL)

AMERICAN OVERSIGHT

WHITEWASHING THE PAST

MORE TRADITIONAL

- Perceived to happen when monuments are removed
  - BUT … they resist a more inclusive sharing of the past in museums

"I feel we focus too much on slavery and trying to erase history that's offensive to people's feelings. „

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

MORE NEOTERIC

- Happens all the time to make white men look good
  - Which is why monuments need to come down … they make white men look good and whitewash the harms

"Confederate flags and monuments are uncalled for. Our country needs to pay more attention to the fact that slavery happened and we cannot just ignore that. We need to teach about slavery and the men who kept the institution alive. These men need to be less glorified than they are. America needs to own up to its mistakes and know that our history is ugly. „

VA-DOE-22-0316-B-001255

– MUSEUM-GOERS SURVEY

SHARING *EVERYONE'S* STORIES

MORE TRADITIONAL

- General consensus of yes
  - But …

"I'm tired of hearing about the minorities and emphasizing things that wouldn't even make a footnote of a white person had done the same."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

MORE NEOTERIC

- General consensus of yes
  - With a moral imperative …

"History is written by the victor and too often they fail to include the problems they had themselves. We have been the same in our treatment of minorities, American Indians, indentured servants, Japanese Americans, etc. When we continue to gloss over these items, we sometimes continue to mistreat the group because the way we wrote history appears to justify our treatment."

VA-DOE-22-0316-B-001256
– CHARLES LL (MUSEUM-GOERS PANEL)

That extends to our country's founding stories.

VA-DOE-22-0316-B-001257

WHICH FOUNDING STORIES?

Traditional Cluster felt balance was everyone's stories, but *especially* the Founding Fathers

"I think the Founding Fathers did a great job and their values are still valid today, though sadly not entirely embraced some of the public … The size of the exhibit devoted to the role of blacks in the Revolutionary War in the local Revolutionary War museum would lead the uninformed to believe that they played a major role. I call that revisionist history."

– MUSEUM-GOERS SURVEY

Neoteric Cluster felt balance was including the Founding Fathers, but emphasizing a more diverse and honest history

"The founding stories of our country are not romanticized in my mind in any way. They are mostly stories of a country that was taken by force. Although the end product we have here today, in my view is great, the way we went about obtaining the current state we are in is very deplorable. First our country was founded because rich white men did not want to pay their taxes. Then our country expanded by stealing it from the natives. All these stories are very important because it's who we are. That doesn't make it right though."

– JOSH S (LVA-DOE-22-0316-B-001258)

AMERICAN OVERSIGHT

WHICH FOUNDING STORIES?

And the Neoteric Cluster didn't hesitate to be critical of how our country was founded

"I think it is insulting to Native Americans to use the words 'founding' when referring to America. It is an entitled perspective that assumes everything began when 'you' arrived."

– HISHANDMAIDEN
(MUSEUM-GOERS PANEL)

"The founding stories are a mythology to uphold white supremacy and control over the stories of the other folks who were here before Anglo Saxons. The Hispanics, the American Indians. and those who were brought here as enslaved people to make whites wealthy and run an economy. That is the true founding of America, built on land theft and genocide, and then racial, ethnic, and linguistic erasure."

– CRAMIREZ
(MUSEUM-GOERS PANEL)

"I am amazed at the courage it must have taken to come and settle a new land and build a country...and equally amazed at how ruthless and arrogant the settlers had to be to come here and take the land away from the people already here."

– ZENDIA (BROADER PANEL)

AMERICAN OVERSIGHT

Because virtually all of the divisions that affect how we view the past are rooted in differences in attitudes around one thing.

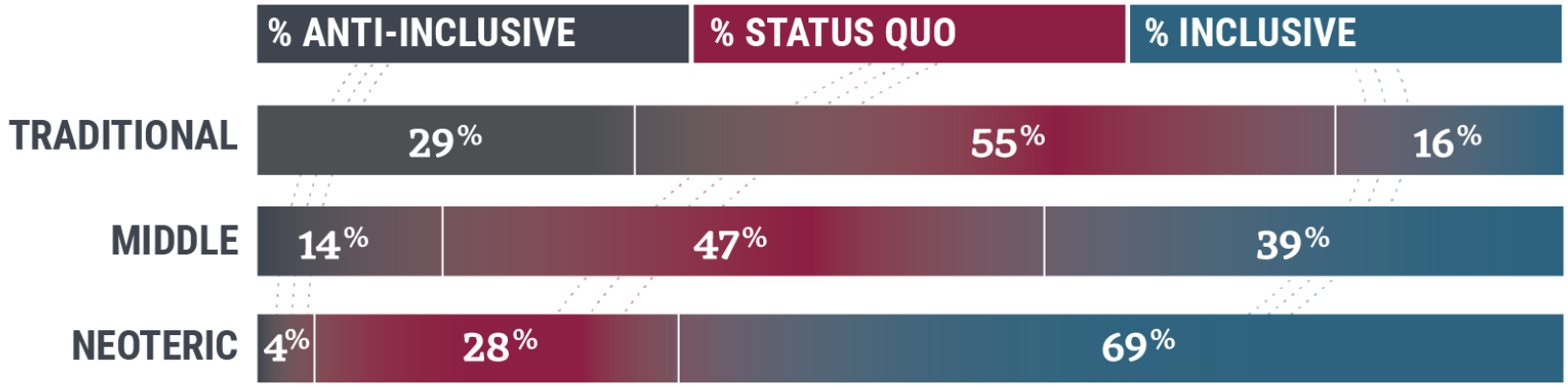
Race.

AMERICAN OVERSIGHT

The divisions between the two clusters here are deep … divisive … and there is a great deal of finger-pointing.

VA-DOE-22-0316-B-001261

INCLUSIVE ATTITUDES BY CLUSTER (ESTIMATE)



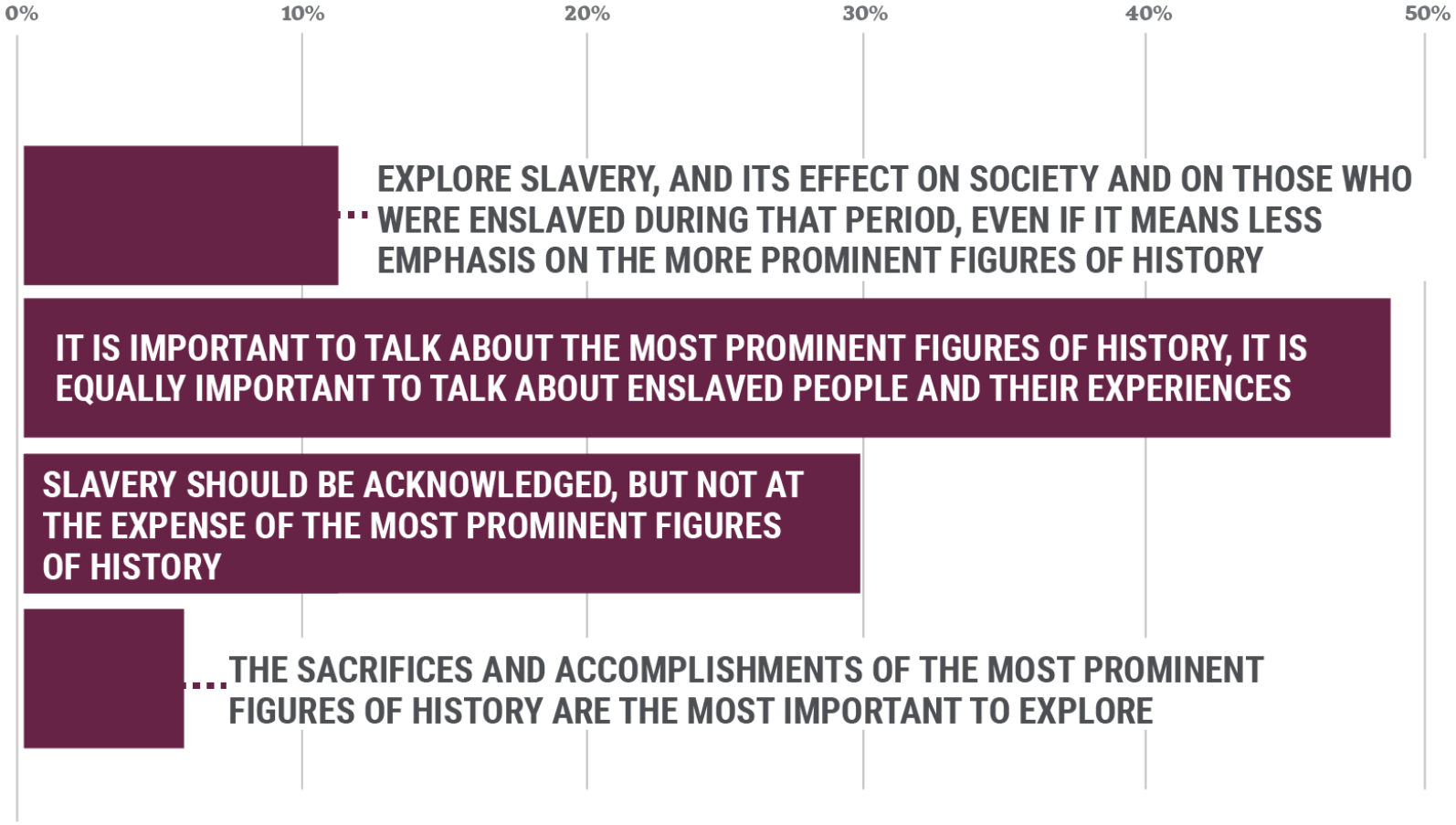
- **ANTI-INCLUSIVE:** Can range from extreme white nationalists to those who actively avoid any inclusive content
- **STATUS QUO:** Neither seeks out nor avoids inclusive content; largely satisfied with long-standing presentations of history. Exposure to inclusive history can range from none to quite a bit.
- **INCLUSIVE:** Actively seeks out inclusive content and/or explicitly wants museums to include inclusive stories of the past

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001262

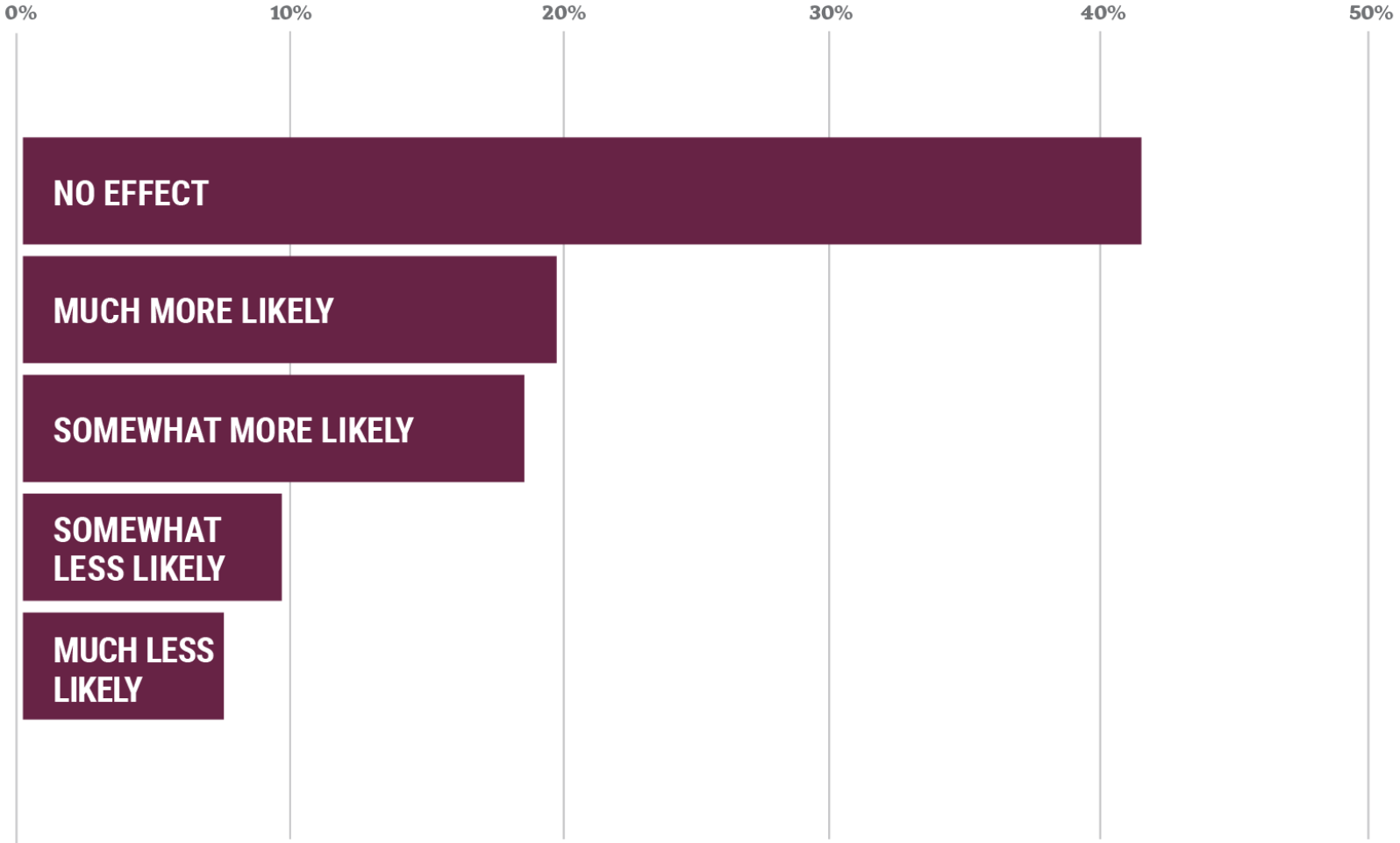
Source: 2019 Client Work of Wilkening Consulting

When Discussing Slavery, What is Most Important?



AMERICAN OVERSIGHT

How Likely to Visit Museums/Sites that Discuss Slavery Thoroughly?



AMERICAN OVERSIGHT

INTERPRETING SLAVERY

- 80% say that a "thorough" interpretation will either not affect *or would* increase their visitation
    - Both museum-goers and the broader population sample
- Majority of museum-goers say slavery demands *at least* equal treatment to the stories of the more "prominent" figures of the past

AMERICAN OVERSIGHT

INTERPRETING SLAVERY

- Those who say they would be less likely to visit if you interpreted slavery "thoroughly" are the LEAST likely to visit history museums in the first place

- Whereas there is a persistent thread in the broader research that not being inclusive *enough* keeps audiences away

INTERPRETING SLAVERY

The overwhelming consensus of the Neoteric cluster is that it is your moral imperative to interpret slavery thoroughly and openly

"Please keep up the good work you have begun doing to educate visitors about multiple layers of history, including about women and slavery. DO NOT give in to the reactionaries who only want a sanitized, fictionalized, 'Scarlett O'Hara' view of history. Their (willful?) ignorance is a major factor in why we are in the dire political and cultural situation we are in now."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

SHARING *EVERYONE'S* STORIES: PRACTICE

And many in the Neoteric Cluster are demanding it (while also finger-pointing)

"History is written by the victors. There are few Americans that have delved into history beyond legend and myth, including many in Congress and government service. Museums often support legend and myth as history ..."

– MUSEUM-GOERS SURVEY

"Our country was founded on rejection of some 'old world' values; for religious and economic 'freedom', at first, and then as a tax revolt against foreign governance. However, we brought a fundamental tenet of the old world with us: while it was OK to reject limitations that had been imposed on us it remained OK to impose limitations on others so we (essentially white men of property) could prosper. The Puritans fled religious discrimination - but exercised strict religious intolerance. Our Founding Fathers rejected foreign governance in the name of 'freedom' but held African Americans in slavery and imposed limitations on women all while committing genocide against Native Americans. Nearly all 'Americans' today are descended from immigrants -- but immigration is now 'bad and destroying the country'. A mixed legacy indeed. The best historic sites and museums recognize the accomplishments of the past without losing sight of the sacrifices made, and imposed on others, to realize those accomplishments. Our stated values of 'life, liberty, and the pursuit of happiness' haven't, and won't be, achieved until they have been achieved by all. Understanding how we got to where we are today, with all its positives and negatives, is crucial to becoming what we could be in the future."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001268

But *some* from the Traditional Cluster are more skeptical.

VA-DOE-22-0316-B-001269

First, the majority of the Traditional Cluster tend to support the status quo … which isn't an endorsement, but neither is it perceived as a problem.

And *some* in the Traditional Cluster *do* want slavery thoroughly examined.

VA-DOE-22-0316-B-001270

But there is a significant segment of visitors and *some* potential visitors who have concerns … and they are virtually all from the Traditional Cluster.

VA-DOE-22-0316-B-001271

Among this segment of the Traditional Cluster, there was a strong sense of defensiveness, as well as loss aversion as they felt that “their” history was being sacrificed for history that wasn’t as important.

VA-DOE-22-0316-B-001272

CONCERNS

IMBALANCED INTERPRETATION … OVERSHADOWING "IMPORTANT" HISTORY

"Meaning more and more historical places and museums are focusing too much on apologizing for the institution of slavery and not enough on the actual history."

– MUSEUM-GOERS SURVEY

CONCERNS

THAT THE EVENTS OF THE PAST THEY VALUE MOST WILL BE ERASED

> It really hurts me to hear people run this Land that I love, down. To dig up the wrongs of the past and try and take away for achievements that were hard fought, and make the past something that should be erased.

– POTTERYLOVE (MUSEUM-GOERS PANEL)

CONCERNS

PERCEIVED NEGATIVE JUDGEMENT OF FOUNDING FATHERS

"We should not demonize the Founders for what was the normal for their world."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001275

CONCERNS

LACKS CONTEXT … EVEN IF THE CONTEXT IS OUTSIDE THE MISSION

"In controversial social matters, as much information as possible should be also shared. Such as there were Black slaves in America there was also white slaves in Africa and wars in Africa also over slavery of whites-called the Barbery Wars."

– APPRECIATION (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

CONCERNS

RESISTANCE TO IMPLICATION THAT THE LEGACY OF SLAVERY CONTINUES TO AFFECT AFRICAN AMERICANS TODAY

> The current attitude in America seems to be that if you don't agree, you can't be friends or even get along. Those of us who choose (or chose) to work hard are entitled to what we earn. Those who can't work should receive out assistance. Slavery was wrong, but we should not be penalized now for something that happened so long ago, further those descended from slaves are not entitled to reparations.

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001277

GRAPHIC LANGUAGE AROUND SLAVERY INTERPRETATION

What I don't want is for certain aspects of history, something like the scourge of slavery, shoved down my throat at every turn and stop. Sorry...it was a horrible time and practice as we all know and acknowledge...but it's not the only thing to be talked about regarding some of our Founders homes. Of late...it's being crammed down visitors' throats.

– CHASINGHAWK (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

And much of this is driven by one thing:

VA-DOE-22-0316-B-001279

FEAR.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

The anti-inclusive segment of the Traditional Cluster was defensive, fearful, at times angry, and *sometimes* offensive.

VA-DOE-22-0316-B-001282

ANTI-INCLUSIVE COMMENTARY

"We are changing history to be politically correct and history is being changed to pander to special interest groups. One would think the Civil War was all about slavery … I dare say the descendants of Africans introduced to the New World through slavery are much better off than their ancestors that remained in Africa."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

ANTI-INCLUSIVE COMMENTARY

"Please return the focus to our Founding Fathers. We are sick and tired of having to hear about slaves. The majority of people who visit historical sites are NOT interested in hearing about slavery. We want to learn the history of OUR ancestors."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

ANTI-INCLUSIVE COMMENTARY

"They are completely relevant, and if true history was taught, you leftist, Marxist sons of bitches that are tearing down our monuments and ruining our museums would be taking helicopter rides."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

But there are also individuals in the Traditional Cluster who may fall in the “status quo” category of inclusion … but are also conveying discomfort with a more inclusive history.

VA-DOE-22-0316-B-001286

DISCOMFORT WITH INCLUSION

"No one wants to be lectured to or feel somehow accused for wrongdoing for having a family history that is out of style.

– GUSSIE (MUSEUM-GOERS PANEL)

Roots are so important. Almost everyone is on each other about respecting someone else's cultures/practices but hardly anyone these days wants to admit that 'white' history is also a culture or roots of people in this country.

– MELLENY (MUSEUM-GOERS PANEL)"

AMERICAN OVERSIGHT

Individuals from the Neoteric Cluster also explored ideas of discomfort around inclusion … but typically framed it as productive discomfort.

AMERICAN OVERSIGHT

PRODUCTIVE DISCOMFORT

"There are particularly good places in Oklahoma to experience Native culture and hear how history has treated them, and they are doing a wonderful job telling their stories. When they show a map of where their people lived before they were forced to leave, and you realize it was your ancestors who took their land, you bet it makes you squirm, and it should.

– MEHITABLE OVIATT (MUSEUM-GOERS PANEL)

Emotions are so, so, so key. If you ask me, this is the most important part … Experiences, especially dark history, can make us feel bad emotions. It can make us feel conflicted and uncomfortable because they can challenge things that we thought were true. But I think that museums are safe spaces for those kinds of discoveries.

– MARR (MUSEUM-GOERS PANEL)"

AMERICAN OVERSIGHT

And some from the Neoteric Cluster did their share of fingerpointing towards anti-inclusive attitudes.

AMERICAN OVERSIGHT

INCLUSIVE FINGERPOINTING

"AND TO BE CLEAR, I know a lot of my responses mention the way we gloss over slavery and racism and genocide in general, and since people in the past have taken that to mean I have something against white people, I will say now that that is far from the case. I have a problem with people being treated like crap because of the way they were born. I have a problem with people contently living in ignorance and people knowingly adding to the problem. I have a problem with a government built on the backs of another nation's people continuing to hold them back simply through manipulation. But more than all of that, I DESPISE the fact that we've all become so complacent and content with it. We have the right to overthrow the government if we want to, but we don't. We live in ignorance, in fear, with the thought 'What could I do? I'm just one person,' and I fully admit even I have those thoughts because it's true. We no longer live with a government we can overthrow. We live with a fortified oligarchy that would have us and has had us, executed for even a peaceful protest."

– HARLIE (BROADER PANEL)

AMERICAN OVERSIGHT

INCLUSIVE FINGERPOINTING

"Their comments included things like they found it depressing when they were just looking for a day out, it was boring because all the guides talked about was how hard life was for slaves, that the guides were exaggerating how bad slavery was, and even that the guides were racist to white people for talking about masters' cruelty and things like shackles, whipping, and rape. These visitors did not want to learn about history, they wanted a *Gone With the Wind* re-enactment. I don't feel like there is any hope for people who refused to listen to uncomfortable stories and chose to complain instead of thinking about what was hard to hear."

– ANCATDUBH1980 (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

All of these fears and emotions, on both sides, are palpable and strong … and a central part of how people think about the past and this country.

VA-DOE-22-0316-B-001293

Understanding the emotions underlying the differences is vital:

Some in the Traditional Cluster feel guilt, shame, and loss.

Some in the Neoteric Cluster feel regret and remorse.

BOTH feel anger, especially towards each other.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001294

And they all want you to present what they think is a balanced narrative.

VA-DOE-22-0316-B-001295

SEEKING BALANCE

FOR THE TRADITIONAL CLUSTER:

How history was presented in the past was balanced … and the addition of more inclusive stories has put it out of balance, to the loss of what they consider to be "important" history.

FOR THE NEOTERIC CLUSTER:

How history was presented in the past was imbalanced … and the addition of more inclusive stories has put it closer to balanced.

AMERICAN OVERSIGHT

This imbalance underscores why there is no neutral position.

VA-DOE-22-0316-B-001297

And this all affects what they want for America in 2026.

VA-DOE-22-0316-B-001298

America: 2026

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001299

Consensus that everyone wants what is best for our families, communities, and country in 2026.

And many wished for a less polarized and divisive public discourse.

VA-DOE-22-0316-B-001300

But there were strong differences in opinion about what that means.

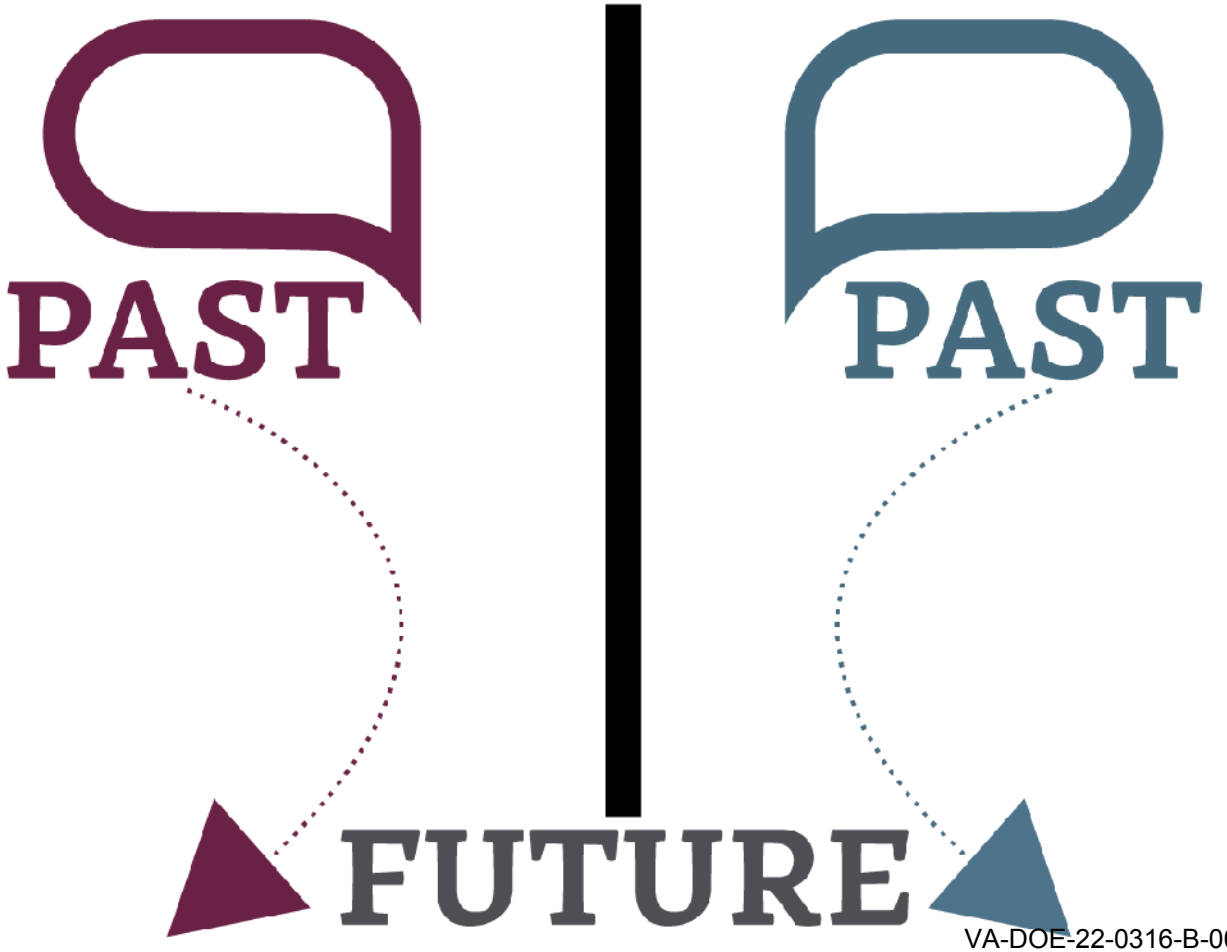
VA-DOE-22-0316-B-001301

Some point to the past as the ideal to go *back* to.

Others point to a more equitable society they hope to find *in the future.*

VA-DOE-22-0316-B-001302

And if we can't agree on the past, that makes coming together for the *future* all the harder.



AMERICAN OVERSIGHT

HOPES FOR 2026

MORE TRADITIONAL

Focus on greatness, pride, maintaining rights and liberty, honoring the past, and, for some, religion

"Return to the values that made this country strong: self-independence, acknowledging God as the Divine inspiration for our founding documents and the need for our culture to return to a moral society, emphasizing standards of truth, virtue, liberty and freedom."

– MUSEUM-GOERS SURVEY

MORE NEOTERIC

Focus on inclusion, diversity, equity, with a number also commenting on fighting climate change and fair elections

"More equality for all. More universal care for citizens and acceptance and appreciation of diversity and it's beneficial effects to our society. "

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

There was *little* agreement.

Only 7% of Traditional Cluster made comments that fell into the themes common among Neoteric Cluster.

And only 3% of Neoteric Cluster made comments that fell into the themes common among the Traditional Cluster.

MORE TRADITIONAL

MORE NEOTERIC

"I would like to see the radical leftist/socialist attempted overthrow of our country defeated and the leaders imprisoned. Our 250th should include the celebration and preservation of our great Republic and Americas victory over Socialism/ Communism.

I don't want the Founding Fathers' ideals and who they were be forgotten. Without them, we would not have the nation we have today. To demonize them because they either had slaves, didn't do everything in their power to end slavery, or both should NOT be the only thing that defines who they were and what they mean to our country. They sacrificed greatly to do what they did, and for people today to say that regardless of that great sacrifice, the only thing that should define them is their position on slavery and their 'whiteness' is extremely harmful, and a gross mischaracterization of both their accomplishments and our Nation. It does nothing to help the discord, or promote good will. We need to promote our Founding Fathers, and the good things our Nation has done for the people around the world.

Acceptance of the varied fabric of American Life and an appreciation of the past as well as hope for the future. A coming to terms with both the good aspects of our history and it's figures and an acceptance of the negative aspects of our figures and history. Nothing is perfect and everything has value, even if only to show us our failures so that we might learn from them.

I'd like to see an acknowledgment that despite what the Founding Fathers intended, people in the US are not treated equally and that efforts will be made to change that. This starts with education for everyone and opportunities to succeed at anything one chooses.

I want Trump to be in jail for his crimes along with his entire family and his supporters."

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001306

All quotes from museum-goers survey.

And there were fears that our country is doomed.

VA-DOE-22-0316-B-001307

FEARS FOR 2026

MORE TRADITIONAL

"This turn toward socialism and the teaching of revisionist history in our schools will eventually lead to the downfall of America."

– MUSEUM-GOERS SURVEY

MORE NEOTERIC

"I really hope we get to celebrate our democratic republic in 2026 but if he's not impeached or steals the election (again, by fluke or design) it won't be around."

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001308

If we are envisioning such different Americas … how can we come together to commemorate the 250th?

VA-DOE-22-0316-B-001309

The 250th

AMERICAN OVERSIGHT

"

Lived through the bicentennial... seemed to dominate everything right up to July 4th then poof … nothing but two-dollar bills and bicentennial quarters…

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001311

"

“

I doubt that this anniversary will have much of an effect on the course of events or the national mood. In my memory the Bicentennial celebrations were sappy, self-congratulatory, jingoistic BS, and I imagine these will be the same. But maybe your research will inform some corners of resistance, where people will really come together to think about our past and our future. So thank you!

– MARGARET (BROADER PANEL)

”

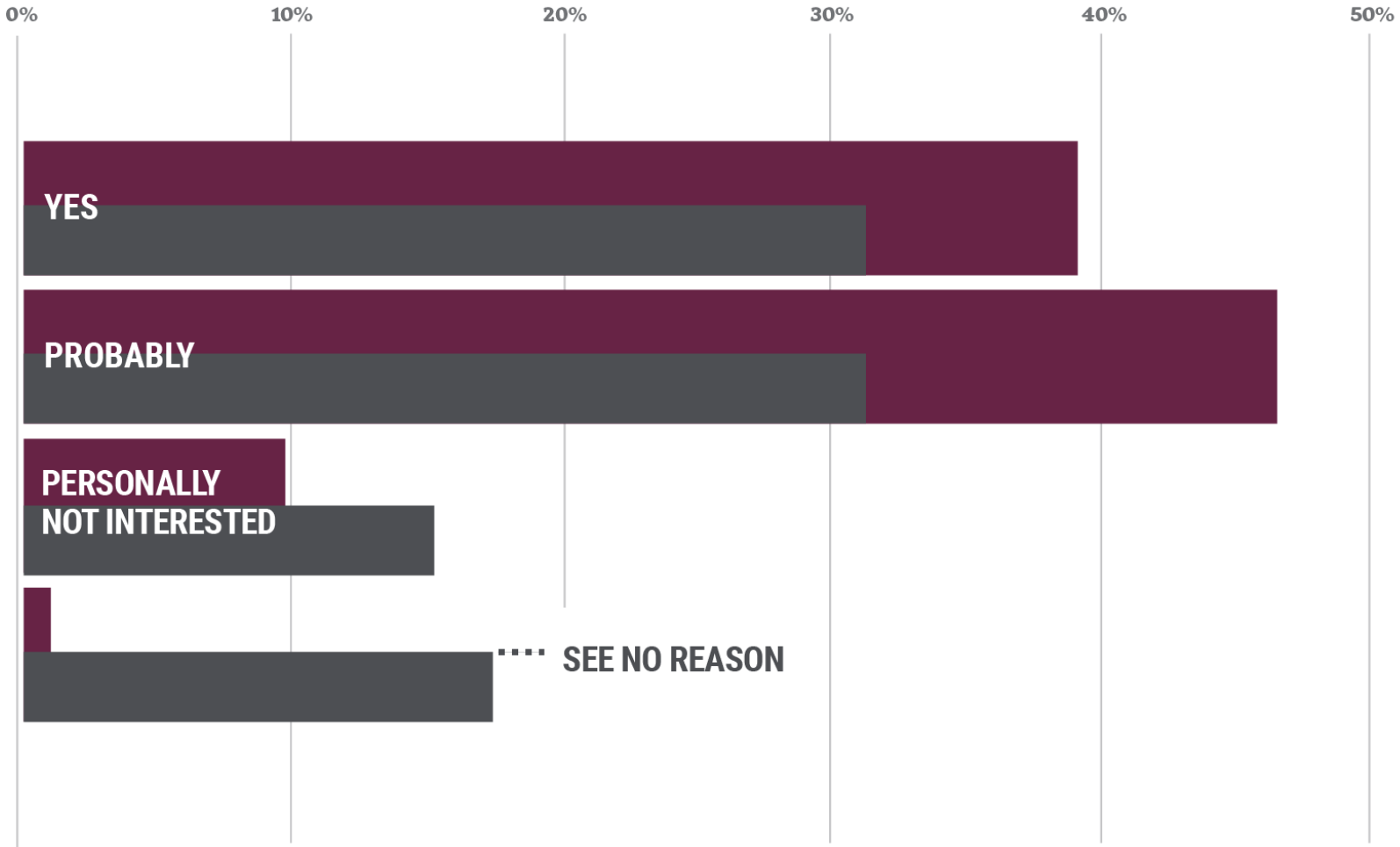
AMERICAN OVERSIGHT

First the good news.

The majority of Americans DO want to mark the 250th.

VA-DOE-22-0316-B-001313

Will You Do Anything to Celebrate the 250th?



AMERICAN OVERSIGHT

MUSEUM-GOERS BROADER POPULATION

VA-DOE-22-0316-B-001314

86% of museum-goers, and 2/3 of the broader population, reported they are likely to want to celebrate the 250th

But their enthusiasm wasn't universal … and they had different ideas of *how*.

VA-DOE-22-0316-B-001315

ENTHUSIASM DIFFERENCES

Traditionals were much more enthusiastic

"Let's throw a big party!"

– MUD WINTER (MUSEUM-GOERS PANEL)

"I would love to see grand celebrations throughout the year."

– DAKOTA2265 (BROADER PANEL)

Neoterics had a more muted response

"Willing to entertain options presented."

– MUSEUM-GOERS SURVEY

Or to approach it with more wariness
Especially broader panelists

"I really am not that interested in this as a piece of history, so I wouldn't really care if it is commemorated in my local community."

– A B (BROADER PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001316

TWO PRACTICAL REASONS FOR SKIPPING

Age and health concerns

"I'll probably be with George & Martha in heaven then."

– MUSEUM-GOERS SURVEY

Dislike of crowds

"I do not like crowds."

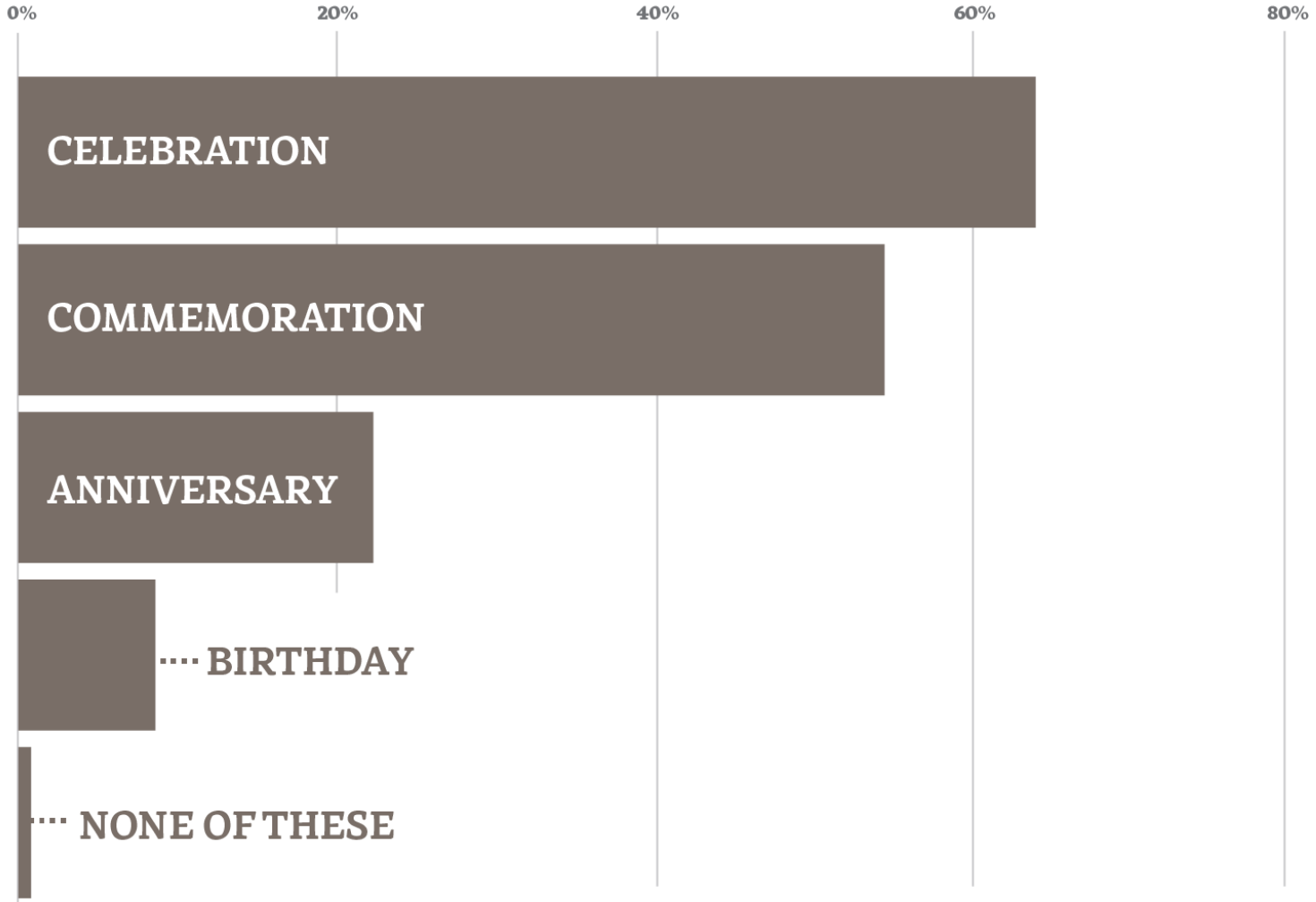
– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

First, what do we *call* it?

VA-DOE-22-0316-B-001318

What Best Describes the Potential Events Surrounding the 250th?



AMERICAN OVERSIGHT

At first glance, it looks like "celebration" is the right word …

… but it skewed toward the Traditional Cluster, and the Neoteric Cluster was less enthusiastic.

VA-DOE-22-0316-B-001320

And for those who had significant concerns about how inclusive events will be, or that the U.S. hasn't lived up to its values, the word "celebration" can appear to be tone-deaf (or worse).

Thus, “commemoration” is recommended for broader engagement.

So how will they want to mark the 250th?

VA-DOE-22-0316-B-001323

If Yes, How Will You Acknowledge the 250th?

AMERICAN OVERSIGHT

* Question not asked of broader population.

EVENTS AT HISTORY MUSEUMS: THEMES FROM PANELS

DEMONSTRATIONS

"I would like to see a combination of these museums in presenting a joint exhibit that includes demonstrations of early tools, farming, cooking …"

– MELLENY (MUSEUM-GOERS PANEL)

REENACTMENTS

"I always enjoyed reenactments. Historical truths that are a little more enticing when I can see it happening."

– JOSEPH H. - (BROADER PANEL)

LIVING HISTORY

"I would like to see reenactments and have people role play. What did people eat, wear, play, do for work, do for worship, do in their leisure time, etc."

– SUSANNE M. (BROADER PANEL)

EXHIBITS

"I hope many will recognize it with special exhibits or tours about how the Declaration came to be."

– PLIMOTHMOM (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

TRADITIONAL COMMUNITY CELEBRATIONS

"Also, let's be real- the 250th is gonna have some BOMB fireworks.

– DAUGHTER OF THE NORTH (MUSEUM-GOERS PANEL)

"We can commemorate with parades, fireworks, BBQs, and teaching and murals to highlight the original event.

– RBANACH (BROADER PANEL)

"I'd like the community to embrace this celebration by flying the American flag at every household."

– SEAN (BROADER PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001326

CELEBRATIONS OF AMERICAN FOOD

"Also anything with great American cuisine would be amazing as well."

– JAVIER (BROADER PANEL)

"One neat idea I could think of that would be enjoyable for all is a food exhibition, showing how the food and drink culture of our nation as a whole has progressed over the years. Seeing how dishes have remained in culture but have been tweaked over time in addition to understanding how and when new items were brought about into culture would be a sight to see for all. Who doesn't appreciate good food?"

– KYLE (BROADER PANEL)

AMERICAN OVERSIGHT

CELEBRATIONS OF AMERICAN FOOD: PIE

"

What about a national pie contest?

– CHEFSF (MUSEUM-GOERS PANEL)

Bunting, pie contests?

– RVACAT (MUSEUM-GOERS PANEL)

apple-pie eating contests …

– GUSSIE (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

"

But underlying all of this was the values that people hold about our country … and what they want to bring forward in that moment.

VA-DOE-22-0316-B-001329

TRADITIONAL CLUSTER AND THE 250TH

MUCH MORE ENTHUSIASTIC

IT IS A CELEBRATION, FOCUSING ON POSITIVE STORIES OF OUR FOUNDING AND VALUES

DEVELOPING PRIDE

"One word comes to mind: PRIDE! Yes, our country struggles with many of today's issues, but that is nothing new. There have always been struggles, and we have always had differing opinions. But, with the 250th anniversary of this pivotal event in our history, we need to focus on bringing all Americans together through pride in their country. This anniversary is further proof that the USA is here to stay, and our approach to existence works. Freedom works." – LOLLIE S (MUSEUM-GOERS PANEL)

HONORING FOUNDING FATHERS

"I'd like to see special parades and community pride reignited and our Founding Fathers once again revered." – CHASINGHAWK (MUSEUM-GOERS PANEL)

SENSE OF SACRIFICE

"For history museums and historic sites, I would like to see programs that are full of the American Spirit ! I would put in place exhibits that show the great men and women who fought so bravely to achieve our Independence!" – POTTERYLOVE (MUSEUM-GOERS PANEL)

UNITY

"I would like the outcome of the events associated with this celebrations to bring about unity of our nation." – AMILLEROH (BROADER PANEL)

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001330

NEOTERIC CLUSTER AND THE 250TH

WANT A MORE THOUGHTFUL, INCLUSIVE COMMEMORATION

NOT JUST FOUNDING FATHERS

"I think we should broaden it, and not just focus on the Founding Fathers."– LYNF (MUSEUM-GOERS PANEL)

EMBRACING DIFFERENCES

"I would like the United States to be different. I would like to see more positivity and also to respect and embrace each other's differences." – RENEE1984 (BROADER PANEL)

DIVERSE HISTORY

"I would immediately restructure to hire staff of color and hire consultants and experts to bring in Native, Black, and Latinx voices. I would like to see other stories told." – CRAMIREZ (MUSEUM-GOERS PANEL)

"I'd also get input from Native American communities on how to communicate the cost of forming this country to them and their legacy; nobody should go through the 250th thinking wow, there was this win-win situation when the nation was born." – WOODBA (BROADER PANEL)

A LOT OF "WORK IN PROGRESS"

"I would hope the outcome of these events would help us all focus more on who we are as a nation and whether we are reflecting the values championed and authored by our founders. Quite simply, are we practicing what our Founding Fathers preached?" – FELICITY R. BIJOU (BROADER PANEL)

AMERICAN OVERSIGHT

NEOTERIC CLUSTER AND THE DECLARATION OF INDEPENDENCE

SOME SAW AN OPPORTUNITY TO EVALUATE OUR PERFORMANCE AFTER 250 YEARS

"An interesting exhibit would be recording visitors and their thoughts about the 250th anniversary and how we are or are not living up to the ideals in the Declaration of Independence. Visitors would get to see other people's videos and record one of their own.

– JAMIE J. (BROADER PANEL)

As a visitor, it would be interesting to see an exhibit that compares the concerns, hopes and promises outlined in the Declaration with periods throughout the 250 years where they were perpetuated, met or exceeded. I'm a professor at a culinary college in Ontario. Every course has expected outcomes, and everything we teach in that course is mapped to see that it supports the outcomes that have been outlined by the Ministry of Education. How about mapping the outcomes in the Declaration?"

– CHEFSF (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

NEOTERIC CLUSTER AND THE DECLARATION OF INDEPENDENCE

"The 250th anniversary of the signing of the Declaration of Independence should be an opportunity for all of us to look at where we are at as a country. As a so-called world leader, do our citizens have access to clean water? basic healthcare? ability to express their religion customs? do children have access to adequate education? do our veterans have the mental healthcare that they need and deserve? In my opinion, the 250th anniversary would be the perfect (yet overdue) time to give reparations to the kin of those enslaved individuals, the perfect time for land to be given back to the Native Americans who deserve the rights to their sacred grounds, the perfect time to free those incarcerated individuals who are unjustly being held for menial crimes, the perfect time for all children of immigrants--both legal and not--to have the opportunity to be reunited with their families."

– LYLE K. (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

NEOTERIC CLUSTER AND THE DECLARATION OF INDEPENDENCE

A FEW WERE MORE RADICAL

"It's time for the truth to come out and the truth is, I don't want to celebrate a document that was signed by a bunch of women-mistreating slave owners. It's time we re-write history. Heck, change Independence Day to Firework and BBQ day … I think the outcome of this 250th WHATEVER should be looked at as a time where we tear that document to shreds and write a new one. Have it drafted by men and women who live in today's time.

– FABIAN H (BROADER PANEL)

Just wanted to comment, I love this idea."

– JENNY (BROADER PANEL – IN RESPONSE TO FABIAN H)

AMERICAN OVERSIGHT

It is *not at all* recommended that history organizations lead with a "tear it up" message … but there is an interesting and productive idea here.

VA-DOE-22-0316-B-001335

If Americans were to create a statement of values today, what would it include? And who would we include in the writing?

That thought exercise can be a source of productive discourse.

VA-DOE-22-0316-B-001336

There is also a segment with the Neoteric Cluster that sees nothing to celebrate in 2026 … and they wrote vividly about why.

Virtually all of the comments revolved around inclusion.

AMERICAN OVERSIGHT

Inclusion of women.

AMERICAN OVERSIGHT

The 250th Anniversary doesn't mean anything in particular to me. We like to celebrate round numbers – yay. The ideals expressed in the Declaration are inspirational and aspirational, but not yet a reality for many people in our country. Given the fact that there are those who recently voted against ratifying the ERA in Virginia and others who vow to continue to block it on a national level, it demonstrates to me that the phrase 'all men are created equal' is just words, not practice. Why would I want to celebrate that?

– ANCATDUBH1980 (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

Inclusion of people of color.

AMERICAN OVERSIGHT

“

These ideals were not shared with people of color. So, they are not important to me as founding values.

–MUSEUM-GOERS SURVEY

My ancestors were not free nor independent at that time... no reason to celebrate.

– MUSEUM-GOERS SURVEY

Signing of declaration means nothing to me because was not written for blacks.

– BARBARA G (BROADER PANEL)

Not much progress socially, but a lot of BS talk about how we are a post-racialized country where women 'can run to be president.' A bunch of white men having been in power, taking away all the rights from other people, and staying in power, and then turning it around and being like, 'Why isn't everyone as ahead as me?'

– SNAILSA (BROADER PANEL)

”

AMERICAN OVERSIGHT

And *a few* from the Neoteric cluster feared the 250th would be used to further weaponize patriotism.

AMERICAN OVERSIGHT

"I hope that the 2026 is a celebration of all that is good in America instead of an opportunity to weaponize patriotism for political gain.

–MUSEUM-GOERS SURVEY

I worry that too much bluster and pomp around the anniversary of the signing might prompt a high level of ugly patriotism. By that I mean people who might use all the flag waving and pride of our declaration 250 years ago to be self-righteous and imperialistic (in a way), to pit one citizen's version of patriotism against another person's or your own, and hold prejudice against that.

– GEORGE D (BROADER PANEL)

VA-DOE-22-0316-B-001343"

AMERICAN OVERSIGHT

So what are the ultimate outcomes desired from the 250th?

It varies.

VA-DOE-22-0316-B-001344

OUTCOMES: PRIDE … OR BECOMING BETTER?

MORE TRADITIONAL

"My hope is simple and singular. That the events of the 250th would reignite a healthy national pride and our love for our country. „

– JEN OF THIS FAMILY BLOG (MUSEUM-GOERS PANEL)

MORE NEOTERIC

"2027 needs to see us better. „

– AMBER (MUSEUM-GOERS PANEL)

AMERICA OVERSIGHT

OUTCOMES: UNITY … OR EQUITY?

MORE TRADITIONAL

"I want Americans to be one again. „

– RMOS83 (MUSEUM-GOERS PANEL)

MORE NEOTERIC

"We still have work to do on living up to our values and ideals, legacy of slavery, and economic and social inequity. „

– MUSEUM-GOERS SURVEY

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001346

OUTCOMES: LESS POLARIZATION

"I would hope that it would be different in a sense that there is a greater sense of camaraderie between people as Americans … Therefore, I just wish for a greater sense of empathy and understanding that for as much as we like to think we are different from one another, we are all, fundamentally, just people."

– SIMON G (BROADER PANEL)

"I would love for America to be better bonded and less divided, but that is not always realistic; however, this would be an amazing side effect of the 250th. The preference then would overall be de-polarization. That would be amazing to see our country actually come together."

– HAKIMBRUE (BROADER PANEL)

AMERICAN OVERSIGHT

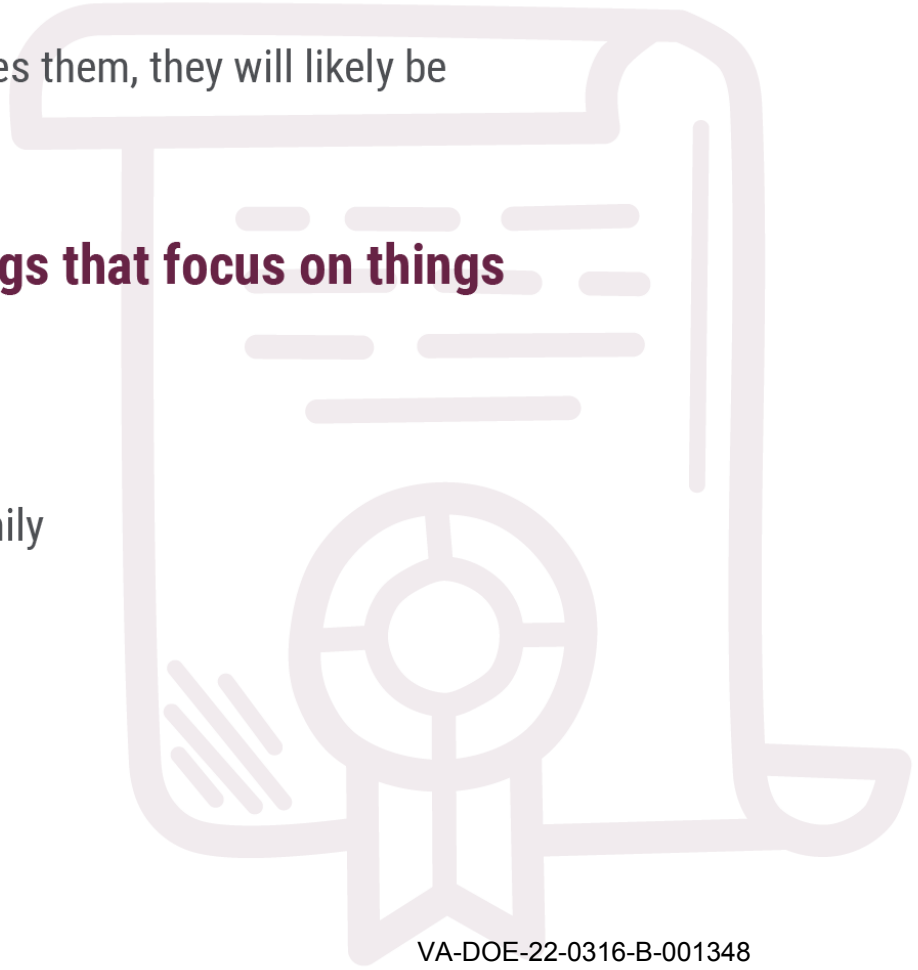
THE 250TH TAKEAWAYS

The Traditional Cluster is excited and enthusiastic about the 250th

- So long as some of your programming engages them, they will likely be satisfied

This means positive, celebratory things that focus on things that *do* unite us

- Freedom
- Value of history
- And things we all enjoy … food, fireworks, family



AMERICAN OVERSIGHT

THE 250TH TAKEAWAYS

But there are many in the Neoteric cluster, which includes a significant part of the broader population, that want to see more inclusive, even meaningful content as well

- Ways that encourage critical assessment of how our country is doing in fulfilling our values
- And ways that are inclusive of a diverse population
- For them, a *purely* superficial celebration will read as tone-deaf
    - They are seeking a more thoughtful balance of fun and inclusive activities

AMERICAN OVERSIGHT

This research was then used to assess potential messaging for the 250th.

The following is taken from a working document provided by Virginia history museums.

AMERICAN OVERSIGHT

MORE TRADITIONAL		MORE NEOTERIC
Patriot/Patriotism		
Heritage	Freedom	Culture
Celebration	America	Togetherness
Nation/Nationalism	History	Diversity
Founding Fathers	Past	Inclusion
American dream	Commemoration	Equality
Justice-seeker	Community	Change-agent
Liberty	Knowledge	Tolerance (as acceptance)
Courage		

Unity

AMERICAN OVERSIGHT

POTENTIAL MESSAGING

MORE TRADITIONAL

In Virginia, connect your family to your country's roots.

Against all odds and in spite of overwhelming obstacles, the colonists [word choice?] defeated a global superpower.

Virginia has amazing stories to tell that include the all-star Founding Fathers George Washington, Thomas Jefferson, James Madison, George Mason, James Monroe, and Patrick Henry.

The American dream. Through hard work, you can achieve what you want.

Party like it was 1776.

The American Revolution was a radical time when passionate activists, unafraid of challenging the established order, led a revolution that would change the world.

The Revolutionary experiment continues. The story of America is one of continually finding common ground to create something better.

Virginia has amazing stories to tell about ordinary men and women in an extraordinary time.

Virginia's revolutionaries transcend time and place from George Washington to Ella Fitzgerald to Pharrell.

Virginia's natural beauty inspired the Founders. Let it inspire you.

Birthplace of revolutionary thinking in all areas from food to music to…

MORE NEOTERIC

Find America's inspiration in Virginia. Visiting Virginia historic sites creates a more perfect union today.

Throughout our history, the Revolution's ideas have inspired and legitimized the ongoing fight for freedom and equality, even though millions were excluded from the Revolution's promise of equality.

Virginia has amazing stories to tell about change makers who were women, African American and Native American revolutionaries.

Americans are optimistic and hopeful. We take charge to make changes. This key identity comes from the Rev War period.

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VAFOIE-220316B-001352

THINGS TO AVOID

Identity

Virginia is the birthplace of American identity. Exploring the richness and complexities of our identity makes us a more perfect union.

If you miss Virginia, you miss the 250th. Celebrate America's 250th birthday where America began. Get away to celebrate the 250th birthday of the United States.

America's creative directors came from Virginia.

AMERICAN OVERSIGHT

So consider how to frame the 250th in ways that Traditional audiences feel good about … while also giving more skeptical Neoteric audiences something to feel pride in.

VA-DOE-22-0316-B-001354

POTENTIAL MESSAGING THEMES

- The 250th as a “Commemoration”
- Exploration of freedom
- Sense we are striving to achieve freedom and equality of opportunity for all in America
- But we have to know history to achieve those values
- And Americans can help be part of that process of making that better American future… through history
- Inclusion of all stories

AMERICAN OVERSIGHT

POTENTIAL MESSAGING

Because the Traditional Cluster is all in anyway for the 250th …

- And Traditional non-visitors are least likely to become visitors

While growth can be found with the Neoteric cluster in the broader population … who want that inclusive history and admission that we are still striving for a more perfect union

A Practical Guide to Sharing History in a Divided Country

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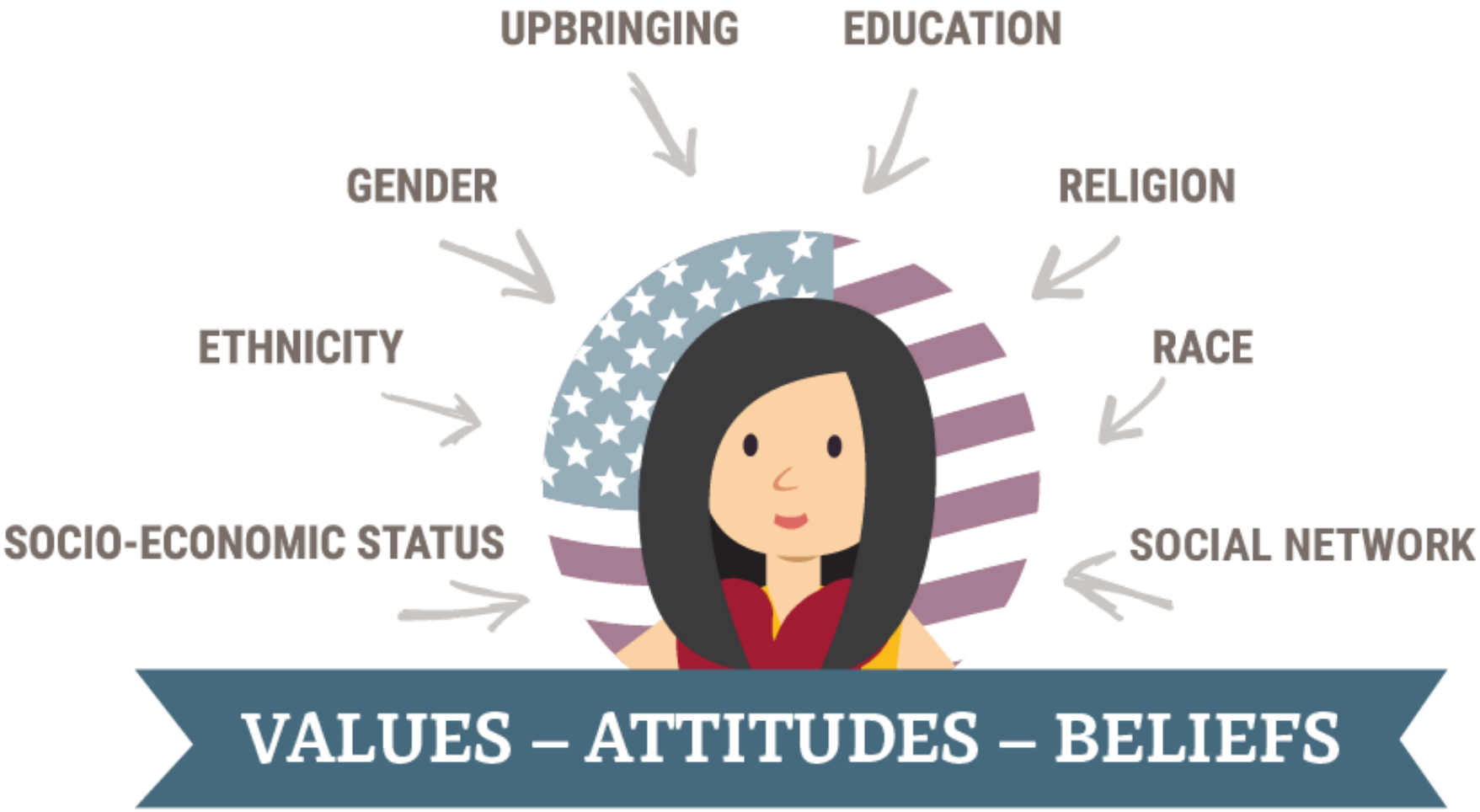
VA-DOE-22-0316-B-001357



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Thinking about history specifically, we all practice intuitive epistemology and approach the past with different sets of questions … thus finding different sets of facts that support our values, attitudes, and beliefs.

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VA-DOE-22-0316-B-001359

TRADITIONALS:
More likely to have these traits

Status quo… or non-inclusive

Blind Patriot
(*some* Symbolic Patriots)

Politically/socially conservative

Traditional, often celebratory approach to history; pride in past

Somewhat less engaged with history*

Somewhat less curious

Generally less engagement with community, broader world

Demographically: tend to be older, more male, less educational attainment

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VA-DOE-22-0316-B-001360

* Exception: small segment of "history buffs" that are heavily engaged in history

NEOTERIC:
More likely to have these traits

Inclusive
(*some* status quo)

Symbolic Patriot
(*some* not patriotic at all)

Politically/socially liberal

Additive approach to history

Somewhat more engaged with history

More curious
(especially eudaemonic curiosity)

Generally **more engagement with community, broader world**

Demographically: tend to be younger, more female, more educational attainment

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VA-DOE-22-0316-B-001361

Neoteric: adjective that describes new or modern ideas; from the Greek *neos*, for new

THE MIDDLE:

- Most people tend to lean towards the Traditional or Neoteric clusters
- Of those that do seem to fall in the middle:
  - More moderate politically
  - Symbolic Patriots
  - Status quo on inclusivity
    - More inclusive than Traditionals, less than Neoterics
  - Lower levels of engagement with community
  - Less curious
  - Medium engagement with history
  - Demographically all over the place
  - Comments sometimes reflect mixed values, attitudes, and beliefs that read as Traditional *and* Neoteric
- BUT … the majority leaned one way or another
  - *Few* could really be considered "neutral"

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SPECTRUM OF VALUES, ATTITUDES, AND BELIEFS

Likely History-Museum Goers

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So when we are considering how to engage these audiences across the spectrum, it becomes tricky fast.

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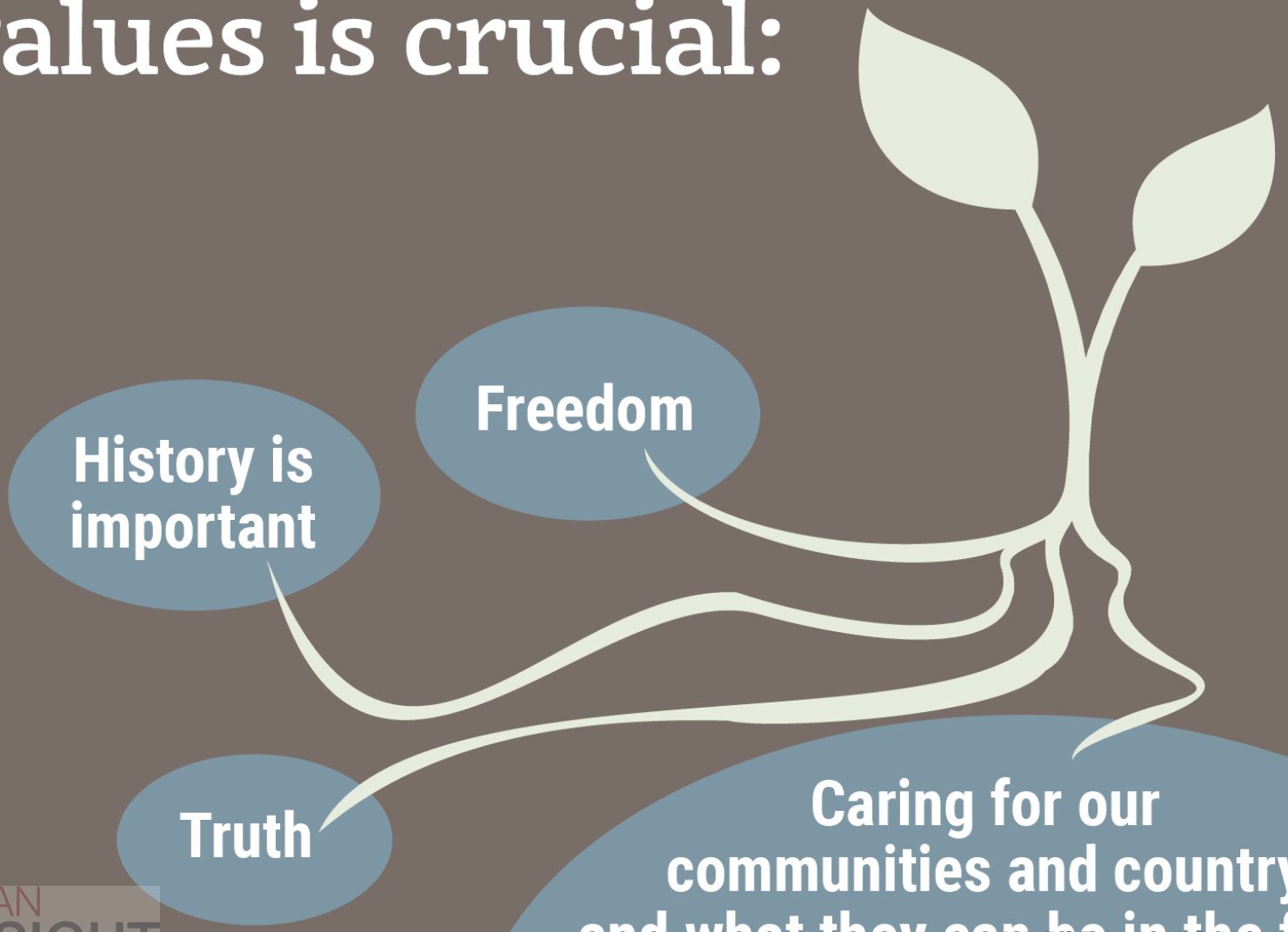
Rooting our work in shared values is crucial:



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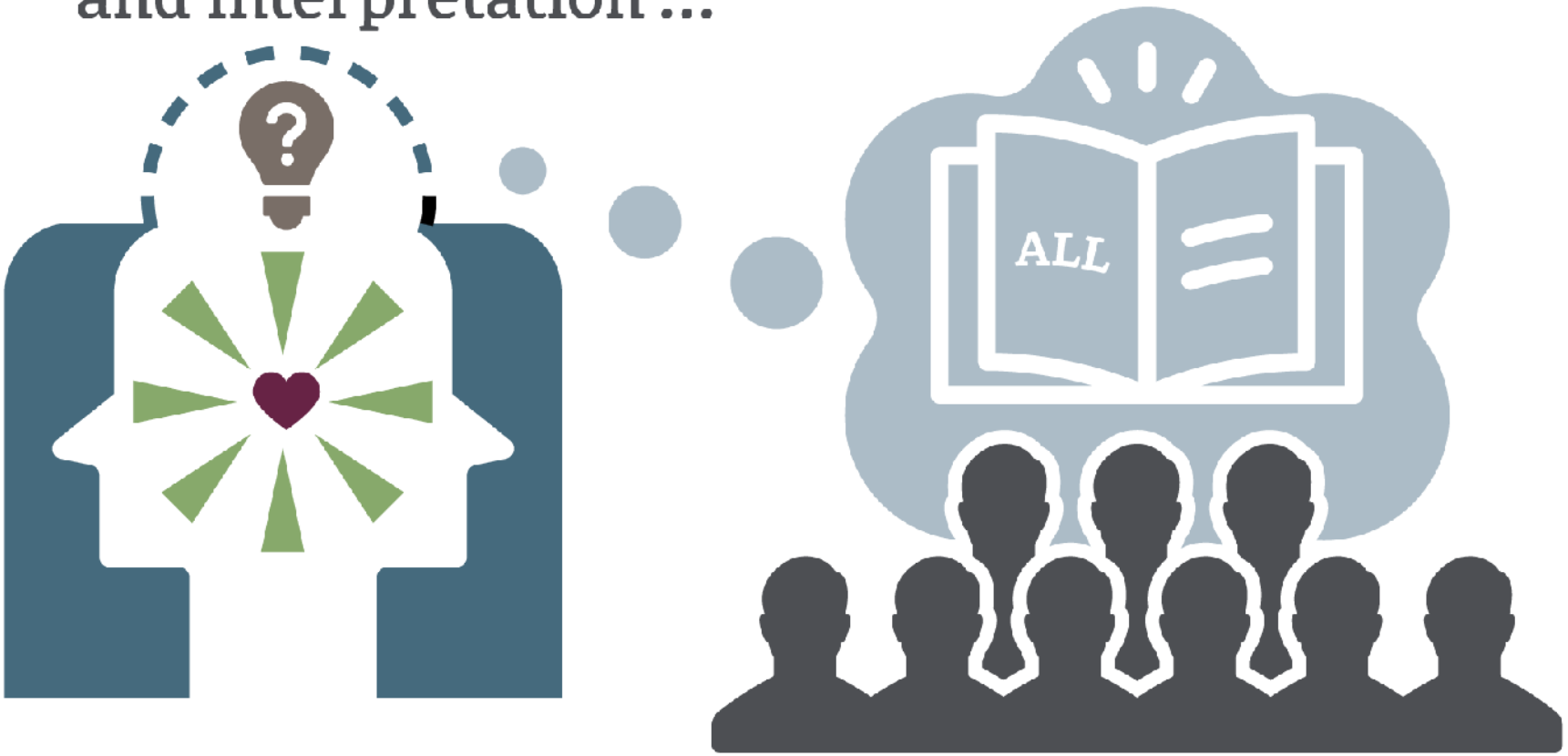
VA-DOE-22-0316-B-001365

And consider how we can use **radical curiosity** and **courageous empathy** in practice and interpretation ...



... while also expanding our audiences to those who desperately want a more inclusive and equitable history shared.

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And remember: museum professionals are much more likely to be part of the Neoteric Cluster.

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MUSEUM PROFESSIONALS ARE:

Compared to museum-goers, museum professionals are:…

- 1.5x more likely to seek an inclusive history
- Half as likely to be a Blind Patriots
  - And twice as likely to not identify as patriotic at all
- Nearly 2x more likely to want slavery thoroughly explored … even if it means less emphasis on more prominent figures of history
- 1.6x more likely to identify as liberal
  - And half as likely to identify as conservative

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If we don’t want to alienate Traditional audiences…

…pacing is key.

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And the inclusive history primer* continues to hold true … especially when it comes to engaging Traditional audiences, but also to earn the trust of more skeptical potential Neoteric audiences.

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VA-DOE-22-0316-B-001370

*Originally developed as part of the Inclusive History in America client project.

THE PRIMER

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STEP 1:

Acknowledge your bias from the beginning …

… and then encourage your visitors to do likewise.

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STEP 2:

Create a plan to address your bias, e.g.,
advisors, team approach, etc.,
and be upfront about it to your audiences.

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VA-DOE-22-0316-B-001373

STEP 3:

Give them the facts. ALL the facts.

STEP 3A: That includes multiple perspectives.

STEP 3B: And it includes telling the truth even when it changes our understanding of the past.

STEP 3C: This means trusting audiences with the facts, the perspectives, and our changed understandings.

But trust cuts both ways, so you need to …

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STEP 4:

Show your work.

This includes sharing your process, sources, and identifying advisors.

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STEP 5:

Context. Context. Context.

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STEP 6:

Understand the history you share may be difficult for some visitors – especially if it represents a change from what they thought they understood about the past.

STEP 6A: Do not make them feel dumb.

STEP 6B: Do not preach.

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STEP 7:

Engage in dialogic questions

STEP 7A: Present them with questions that their worldviews may not have considered.

STEP 7B: "Consider this …"

STEP 7C: And practice courageous empathy by being open to their answers

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STEP 8:

Do not apologize for being inclusive.

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VA-DOE-22-0316-B-001379

STEP 9:

Be a forum for civil discourse.

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STEP 10:

Accept that your visitors are human … as are you.
There will be bias on both sides.
There will be controversy.

STEP 10A: Accept that, despite your best efforts, you will not be 100% successful.
A few will simply not accept a more inclusive (and "changed") history.

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Final Thoughts

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1. Our values, attitudes, and beliefs affect how we approach the past … and the divisions in our country extend to history.

2. That history is highly valued … but a lack of inclusion is a barrier to engagement.

3. Yet the majority hold values about our country that they honor and respect … and will want to acknowledge in 2026.

AMERICAN OVERSIGHT

The 250th is an opportunity to engage broader audiences meaningfully … but we can start now.

"Hopefully, we will have given up the divisiveness that dominates today and will be reaching for a better understanding and empathy for the experiences, contributions and sacrifices within the diversity that contributes so much to the greatness of our country. We will also recognize that, as humans, we have made mistakes and will continue to admit to them, learn from them and continue to strive for that 'more perfect Union' for everyone in our diverse population."

– MUSEUM-GOERS SURVEY

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EXTERNAL SOURCES

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Visit The Curated Bookshelf at
wilkeningconsulting.com/curatedbookshelf
for summary/reviews of some of the above resources.

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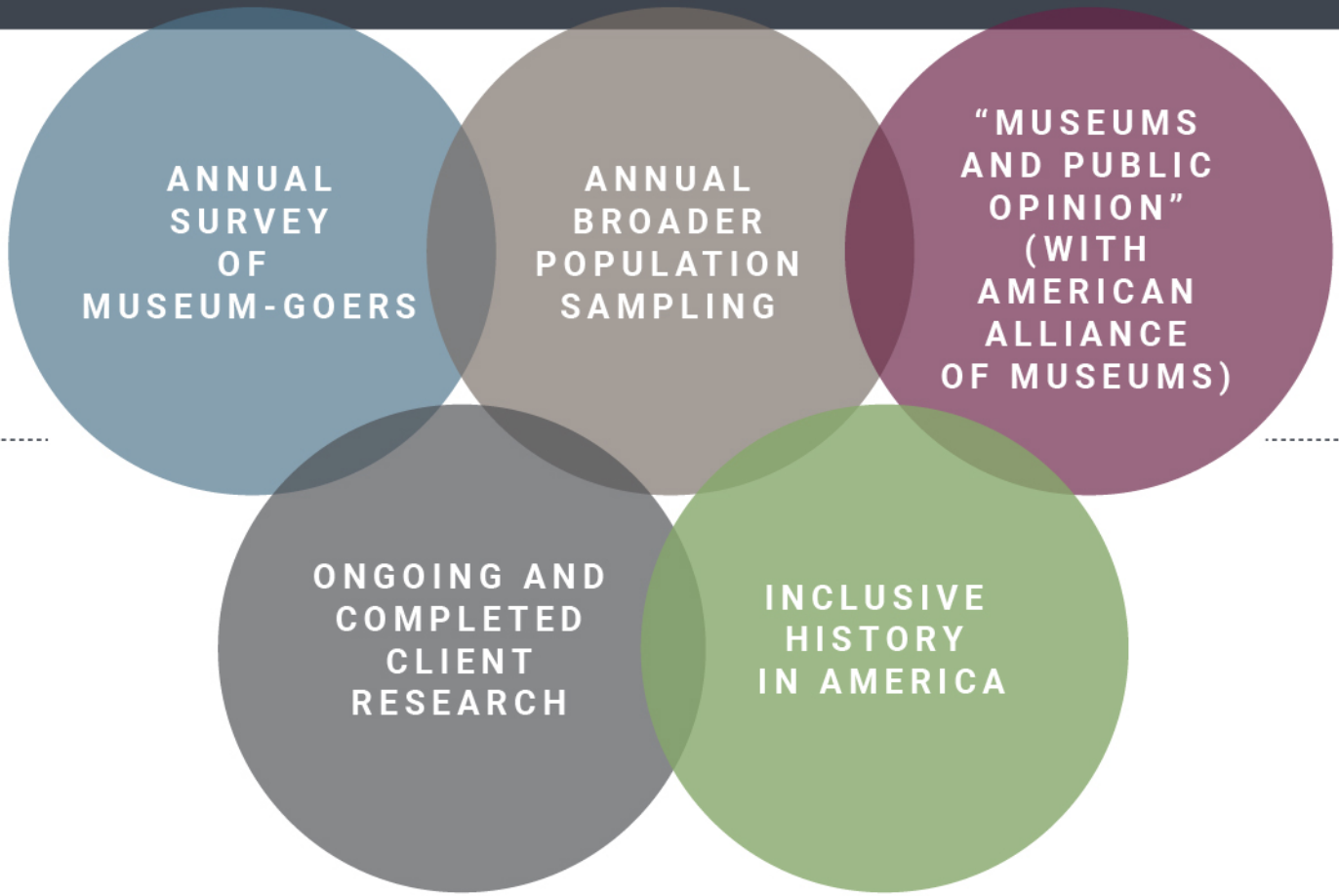
The Curated Bookshelf

WILKENING CONSULTING RESEARCH



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VA-DOE-22-0316-B-001387

Four Ways to Learn More:

THE DATA MUSEUM

THE CURATED BOOKSHELF

NEWSLETTER

DATA STORIES

WilkeningConsulting

audience research | knowledge curation

Susie Wilkening

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Museums and the COVID-19 Pandemic

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"It is baffling to think of the issues and divides today that are separating our society further and further existing during a time like WWII or the Great Depression. It begs to question if it takes a catastrophic event, where the effects are universal across our nation, the same to all, in order to bring us all together."

– KYLE (BROADER PANEL)

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While a desire for unity wasn't uncommon in our original research (before the COVID-19 pandemic), there were a few comments that pointed to how tragic events can catalyze unity … mostly among political *moderates*.

VA-DOE-22-0316-B-001392

"I would like to see all segments of society to come together in the same way that we did on September 12th, 2001. No more us and them, only we.

– MUSEUM-GOERS SURVEY

Ideally, I fantasize of people coming together and being less divided politically. We are the UNITED States of America. I remember how united we all were after 9-11. Yes, we were united in fear and hatred, but at least we were all on the same page for a little while. I wish something happy, like the 250 Anniversary, would bring people together instead of it taking tragedy. Here's hoping.

– RASHA (MUSEUM-GOERS PANEL)

I remember the solidarity and patriotism after 9/11 and while I don't expect the same sort of effect from 2026, I use this as a model for what we should strive for.

– JOE S. (MUSEUM-GOERS PANEL)

I often find myself wishing that people around me would be as patriotic as I feel (like people were in WWII, for example.)

– JAIMEETJESPERE (MUSEUM-GOERS PANEL)

I would hope our country would have that sense of togetherness similar how we felt after 911. The country came together, and it seemed like people cared about each other.

– LISAE54 (BROADER PANEL)"

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It is unclear if this pandemic will have that long-term effect, but a month after the qualitative panels closed, we reopened them to ask panelists four more questions related to the COVID-19 pandemic.

VA-DOE-22-0316-B-001394

American Rights and Freedom During the Pandemic

Generally, most panelists agreed that what was being asked of us (i.e., staying home, shuttering businesses) was reasonable

Exceptional time

> Pandemics and war are the two breakers of liberty … At other times, freedom should reign, but this is the exceptional time.
>
> – NK (MUSEUM-GOERS PANEL)

Our rights end when they infringe on another

> No one has the right to make somebody else sick, or to kill someone by a selfish use of public space. – FOUNDING_FATHERS (MUSEUM-GOERS PANEL)

> Our personal rights end where they impact someone else or someone else's rights. I think the debate is over where that line is.
>
> – JOE S (MUSEUM-GOERS PANEL)

> During a pandemic, when people's actions can endanger themselves and others, there needs to be more emphasis on protecting public health. People who are dead cannot exercise their individual rights.
>
> – HMJ1283 (MUSEUM-GOERS PANEL)

AMERICAN OVERSIGHT

But there were varying levels of concern about the long-term ramifications.

VA-DOE-22-0316-B-001396

CONCERNS ABOUT LOSING RIGHTS

MORE TRADITIONAL

CONCERNED RIGHTS WILL BE LOST

"The more I hear officials and pundits repeat the phrase, 'this is the new normal,' the less confident I become that these restrictions are temporary … Once they have power, they are usually loathe to relinquish it.

– BROTHER MOON (BROADER PANEL)

We can't assure that these limitations will not become a permanent shrinking of our rights, unless we have an elected government that respects our rights. We do not have that now.

– PAT (BROADER PANEL)"

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MORE NEOTERIC

NOT CONCERNED ABOUT LOSING RIGHTS

"I am not worried about losing my rights as a citizen. What does some physical separation have to do with my rights?

– AMBER (MUSEUM-GOERS PANEL)

Americans are fairly ungovernable. I just don't see a big threat here.

– JOHNNY ONE (BROADER PANEL)"

VA-DOE-22-0316-B-001397

And there were hopes this would unify us.

AMERICAN OVERSIGHT

"It is the pride of the American people in such times that we be together in spirit if not in person.

– PAT W (MUSEUM-GOERS PANEL)

We still need to be purposeful about putting society back together. It is actually an opportunity to make it better. Ironically the common experience of our current isolation will actually be a great way of unifying everyone.

– ROBERT L. (MUSEUM-GOERS PANEL)

I am incredibly heartened by the way citizens, business, and government are all coming together to deal with this. This is what America does best: come together in a time of crisis.

– ASHB (MUSEUM-GOERS PANEL)"

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VA-DOE-22-0316-B-001399

Panelists were also asked about the financial stresses museums are experiencing, as well as what would make them feel safe and comfortable upon reopening.

Those results mirrored national findings fielded on behalf of the American Alliance of Museums, and infographic *Data Stories,* including any updates as events unfold, can be found at http://www.wilkeningconsulting.com/data-stories.html.

AMERICAN OVERSIGHT

From: Sale, Leslie <leslie.sale@doe.virginia.gov>
Sent: 2/22/2022 12:00:32 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "POLICY -" <policy@doe.virginia.gov>, "Shelley Loving-ryder" <shelley.loving-ryder@doe.virginia.gov>
Subject: Re: Fwd: Sequential Elective Waiver for 2022 & 2023 Graduation Requirements

---

Hi Elizabeth -

I apologize for the delay in getting this over to you. Michael and I drafted the below reply to the constituent inquiry you shared. Please let us know if you have any questions.

If you don't mind including Michael and I on the reply, we can make sure we close the loop with the school/counselor if the parent would like us to reach out directly.

Thank you!

Hi Ms. Caporicci -

Thank you for reaching out to the Virginia Department of Education regarding flexibility for the sequential elective requirement for graduation. We'd be happy to assist where we can.

At its March 2021 business meeting, the Board of Education approved additional, limited flexibility for certain students in meeting the sequential elective requirement. The approved guidance permits students graduating in the 2021-2022 or 2022-2023 school years to use a World Language course credit to partially satisfy the sequential elective requirement. In other words, one credit of a World Language may be used as one of the two sequential elective credits as well as for the World Language course credit requirement. Based on the information provided, FERPA 20 U.S.C. §1232(g) around meeting the sequential elective requirement. This flexibility provision is outlined in more detail in the Board's Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (pp 43 - 44). And, in case it is useful, more context about the Board's action is available here.

In addition to the above, there may be some other practical solutions for ensuring FERPA 20 U.S.C. §1232(g) is able to meet all of the necessary graduation requirements without having to make course schedule adjustments. If you do not mind sharing the name of the school that FERPA 20 U.S.C. §1232(g), we would also be happy to have staff in our Office of Student Services reach out to the appropriate counselor to see how we may be able to provide some assistance.

Unfortunately, the authority by which the Superintendent was able to provide a waiver of the sequential elective for the 2019-2020 and 2020-2021 cohorts has expired with the end of the state of emergency. The Superintendent issued these temporary flexibility measures in accordance with Governor Northam's Executive Order Fifty-One as well as Chapter 1283 and Chapter 1289 of the 2020 Acts of Assembly (part of the Appropriation Act), all of which are no longer in effect. Therefore, the Superintendent is not able to issue any further flexibilities related to the sequential elective requirement beyond what is provided above.

Please let us know if there is anything additional we can provide.

Thank you,

On Fri, Feb 18, 2022 at 9:06 AM Sale, Leslie <leslie.sale@doe.virginia.gov> wrote:

> Good morning, Elizabeth,
>
> My team forwarded me (from the policy inbox) the below parent inquiry about sequential electives and graduation waivers. I have looped Michael Bolling in via this thread and I will work with him to coordinate a response. We'll circle back once we have a draft reply.
>
> Thank you!
>
> --

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT of EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

> ---------- Forwarded message ---------
> From: **Schultz, Elizabeth** <elizabeth.schultz@doe.virginia.gov>
> Date: Thu, Feb 17, 2022 at 4:49 PM
> Subject: Fwd: Sequential Elective Waiver for 2022 & 2023 Graduation Requirements
> To: Loving-ryder, Shelley <shelley.loving-ryder@doe.virginia.gov>
> Cc: Jillian Balow <jillian.balow@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>, POLICY - <policy@doe.virginia.gov>
>
> Shelley:
> Could you please advise who may be best to respond to this parent inquiry?
> Thank you,
> Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Paige Caporicci** <paigecaporicci@gmail.com>

Date: Thu, Feb 17, 2022 at 1:36 PM
Subject: Sequential Elective Waiver for 2022 & 2023 Graduation Requirements
To: <superintendent@doe.virginia.gov>, <BOE@doe.virginia.gov>, <elizabeth.schultz@doe.virginia.gov>
Cc: <policy@doe.viriginia.gov>

Dear Virginia Department of Education Superintendent and Board,

FERPA 20 U.S.C. §1232(g) [redacted]

FERPA 20 U.S.C. §1232(g) [redacted] On the VBCPS website https://www.vbschools.com/students/graduation/graduation_f_a_qs I found this reason for Sequential Electives:

Sequential electives- These electives can be chosen from a concentration of courses selected from a variety of options (fine arts, world languages, or career and technical education) that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. Sequential electives need not be taken in consecutive years. They MAY NOT be taken in the same year.

FERPA 20 U.S.C. §1232(g) [redacted] I feel like this mishap occurred due to the stress and lack of communication of virtual school. Do the sequential electives for Standards of Quality have to occur for current high school students who have had FERPA 20 U.S.C. §1232(g) Covid interruptions? It has been the majority of their high school experience. Can that be waved like colleges and universities have waved SAT tests? It is my understanding the VDOE waved it last year.

This is from the Waiver of Sequential Electives for 2020-2021 Graduates from the VDOE:

https://www.doe.virginia.gov/administrators/superintendents_memos/2021/067-21.pdf
https://www.doe.virginia.gov/instruction/graduation/advanced_studies.shtml

Waiver of Sequential Elective Available for 2020-2021 Graduates

Due to the ongoing impact of the COVID-19 pandemic, and in recognition of the impact the pandemic has had on course offerings, a waiver of the sequential elective graduation requirement for certain students graduating in the 2020-2021 cohort has been issued by the Superintendent of Public Instruction, in accordance with authority provided in Item 143.I of the Appropriation Act (Chapter 1289), and approved by the Secretary of Education. This waiver, along with other policy waivers related to COVID-19, is available on the School State Policy Waivers webpage.

A waiver of the sequential elective graduation requirement is available to students who meet the following conditions:

a. is graduating during the 2020-2021 school year, regardless of when they first entered high school;

b. whose course of study was negatively impacted by school closures or the move to virtual instruction; and

c. who has met all other graduation requirements including the number of credits required for each discipline area.

To the best of their ability, school divisions should work to provide opportunities for students to meet the sequential elective requirement. After consultation with the student and their parent/guardian, this waiver can be applied on a case-by-case basis.

FERPA 20 U.S.C. §1232(g) [redacted] Courses were changed due to virtual school, meetings with counselors didn't happen as they normally would, and it has been a difficult time for all. Please wave the sequential elective graduation requirement again for children impacted by Covid in school and that are graduating in 2022 and 2023. It would allow students like our child to take the course that benefits/reflects their academic pursuit and receive the Advanced Diploma.

Thank you for your time and any feedback you can provide.

Regards,

Paige Caporicci

--

LESLIE SALE, Ph.D. | DIRECTOR OF POLICY
OFFICE OF POLICY
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.371.0558 | leslie.sale@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/11/2022 5:58:31 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL: GOVERNOR'S WORKING DOCUMENT

Attachments: DRAFT WORKING PAPER [Redacted per Va. Code § 2.2-3705.7(2)] .docx **Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor**

Elizabeth,
Attached, first set of edits.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

Redacted per Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

[redacted]

---------- Forwarded message ---------
From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 11:09 AM
Subject: Fwd: Question
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>

This just came in from Hannah with the Post. Can we get together and discuss briefly?

Charles B. Pyle
Director of Communications & Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
(804) 371-2420
(804) 640-2117 (cell)
(804) 640-2117 mobile

---------- Forwarded message ---------
From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
Date: Tue, Mar 22, 2022 at 10:58 AM
Subject: RE: Question
To: Pyle, Charles <charles.pyle@doe.virginia.gov>, ken.blackstone@doe.virginia.gov <ken.blackstone@doe.virginia.gov>

Hi Charles and Ken,

Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow – in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."

- Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
- When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
- Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?

I am requesting responses by 3 p.m. EST today latest. Thank you.

Best,

Hannah

AMERICAN OVERSIGHT

From: Natanson, Hannah <Hannah.Natanson@washpost.com>
Sent: Thursday, February 10, 2022 12:51 PM

To: Pyle, Charles <charles.pyle@doe.virginia.gov>
Subject: Re: Question

Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,

AMERICAN OVERSIGHT

Hannah

Get Outlook for iOS [aka.ms]

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/26/2022 1:50:47 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Please Read: [redacted]

Attachments: [redacted].pdf

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

NOT FOR SHARING

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/15/2022 12:14:01 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Attachments: Lettertofightforschools (1).docx

Here you go. Final Draft

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege th <elizabeth.schultz@doe.virginia.gov> wrote:

> could you send me latest or do you want me to add the address? Are there any other changes?
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
> CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*
>
> On Mon, Mar 14, 2022 at 12:20 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
>
> > PO Box 523452
> > Springfield, VA 22152
> >
> > **Elizabeth L. Schultz**
> > **Assistant State Superintendent of Public Instruction**
> > Virginia Department of Education
> > 101 North 14th Street
> > Richmond, Virginia 23219
> > 804-658-6043
> > elizabeth.schultz@doe.virginia.gov
> >
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> >
> > On Mon, Mar 14, 2022 at 11:28 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> >
> > > Perfect. Thank you
> > >
> > > On Mon, Mar 14, 2022 at 11:24 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> > >
> > > > I have - Jon, here are my edits...
> > > > https://docs.google.com/document/d/1RxqnMwTjDrA2tYHK_O4onA069UYWOl6W/edit
> > > > I am getting you a physical address for the letter.
> > > >
> > > > **Elizabeth L. Schultz**
> > > > **Assistant State Superintendent of Public Instruction**
> > > > Virginia Department of Education
> > > > 101 North 14th Street
> > > > Richmond, Virginia 23219
> > > > 804-658-6043
> > > > elizabeth.schultz@doe.virginia.gov
> > > >
> > > > CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*
> > > >
> > > > On Mon, Mar 14, 2022 at 10:29 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > >
> > > > > Elizabeth,
> > > > >
> > > > > Have you had a chance to work on this yet?
> > > > >
> > > > > Thanks,
> > > > > Dicky
> > > > >
> > > > > On Tue, Mar 8, 2022 at 2:04 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > >
> > > > > > ---------- Forwarded message ---------
> > > > > > From: **Russell, Jon** <jon.russell@doe.virginia.gov>
> > > > > > Date: Mon, Mar 7, 2022 at 1:03 PM
> > > > > > Subject: Loudoun Letter
> > > > > > To: Richard Shanor <dicky.shanor@doe.virginia.gov>
> > > > > >
> > > > > > Dicky, please give this letter a once over before I button it up for Jillian.
> > > > > >
> > > > > > Thanks
> > > > > > Jon

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and the provided supporting documentation in regards to Loudoun County Public Schools Superintendent Scott Ziegler.

Please know the issues raised in the letter are being monitored very closely. As the Office of the Attorney General (OAG) is currently conducting an investigation of the school district, any decision or action with respect to the Loudoun County School District and Dr. Ziegler will be held until the completion of the OAG's work.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/22/2022 6:31:25 PM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Attachments: Lettertofightforschools (1).pdf

No problem. ����

On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Would you please send me the final letter in pdf format?
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
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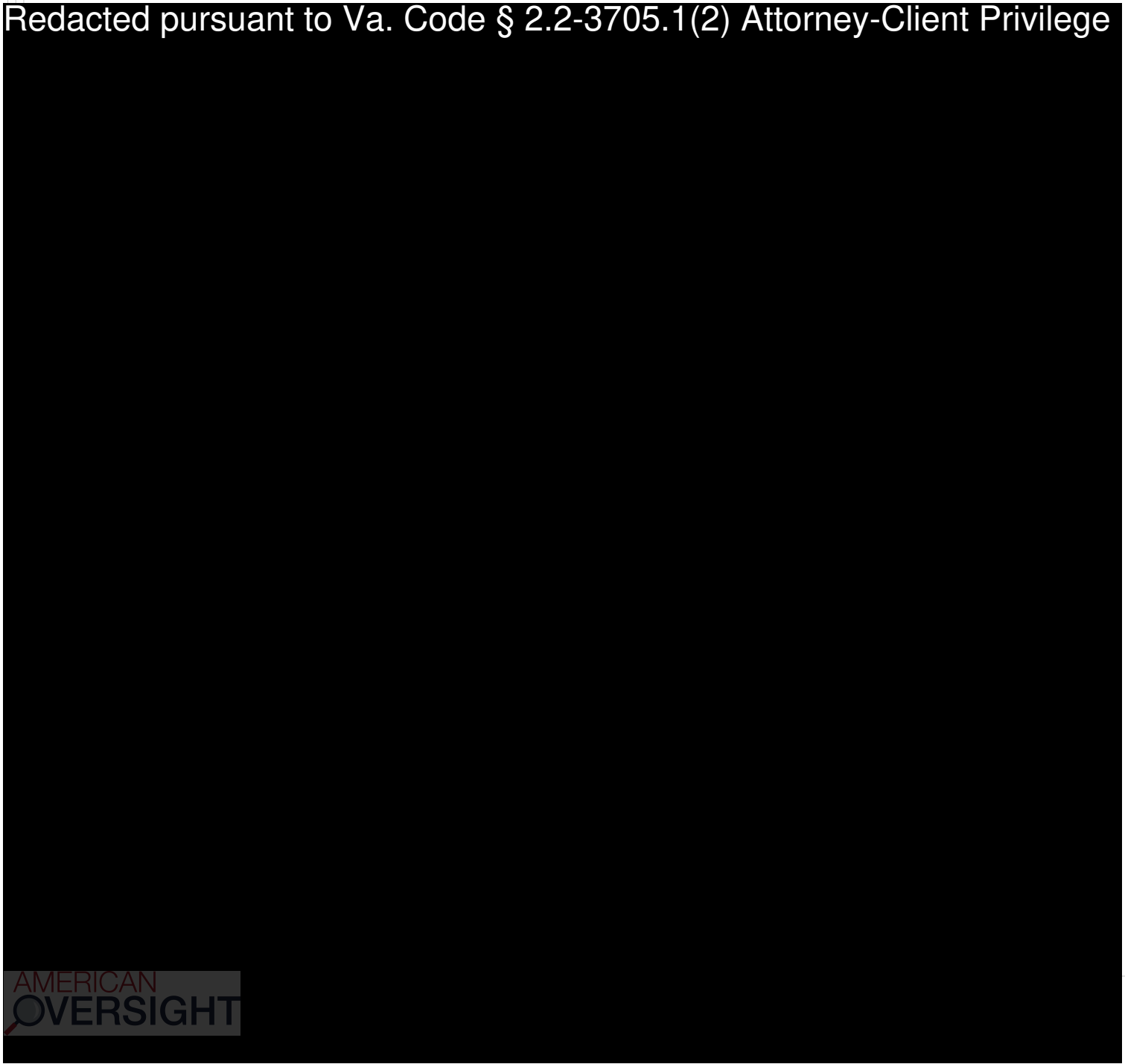
>
> On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
>
> > Letter has been sent out in the mail.
> >
> > On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> >
> > > looks good, I would get it out.



Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

[redacted]

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

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AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

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Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 10:56:39 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Need to use Track Changes assiduously going forward.
ELS

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Tue, Mar 22, 2022 at 6:31 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> No problem. ????

> On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> > Would you please send me the final letter in pdf format?
> >
> > **Elizabeth L. Schultz**
> > **Assistant State Superintendent of Public Instruction**
> > Virginia Department of Education
> > 101 North 14th Street
> > Richmond, Virginia 23219
> > 804-658-6043
> > elizabeth.schultz@doe.virginia.gov
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> >
> > On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > > Letter has been sent out in the mail.
> > >
> > > On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

AMERICAN OVERSIGHT

elizabeth.schultz@doe.virginia.gov

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Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

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--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 1:22:12 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Would you please send me the final letter in pdf format?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> Letter has been sent out in the mail.
>
> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > looks good, I would get it out.

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AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

[redacted]

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

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AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/17/2022 1:22:19 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Can also be sent electronically, as it was received electronically.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

ELS

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

> Letter has been sent out in the mail.
>
> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
>
> > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

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--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/17/2022 10:17:23 AM
To: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>
Cc: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

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AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

[redacted]

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Virginia Department of Education

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 10:16:19 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Russell, Jon" <jon.russell@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

---

looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/17/2022 10:19:43 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Great, thanks!

On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

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> On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
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Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

[redacted]

Elizabeth L. Schultz

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Virginia Department of Education

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[redacted]

t

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/23/2022 8:23:19 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Agree, For the future I suggest we start using google drive for shared documents and to track changes. Having letters circulating via email leaves too much room for error, not knowing who has the final document and what changes have been made.

On Tue, Mar 22, 2022 at 10:56 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

> Need to use Track Changes assiduously going forward.
> ELS
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
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>
> On Tue, Mar 22, 2022 at 6:31 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > No problem. ☺☺☺☺
> >
> > On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> > > Would you please send me the final letter in pdf format?
> > >
> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
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> > > > > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

> > > > > On Tue, Mar 15, 2022 at 2:50 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > > > > > Hello All, Once we get final approval, Jillian wants this letter out the door today if at all possible.
> > > > > > Sincerely,
> > > > > > Jon

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

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Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

[redacted]

--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

--

Sincerely,

Jon Russell
Senior Advisor
OFFICE of SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.659.3307 | jon.russell@doe.virginia.gov

"Education is the key to unlock the golden door of freedom."
- George Washington Carver

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/23/2022 9:37:46 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Great idea. We have shared drives we can use to house & review documents.
ELS

On Wed, Mar 23, 2022 at 8:23 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> Agree, For the future I suggest we start using google drive for shared documents and to track changes. Having letters circulating via email leaves too much room for error, not knowing who has the final document and what changes have been made.
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>
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> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
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> On Tue, Mar 22, 2022 at 6:31 PM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > No problem. ????
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> > On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
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> > > **Elizabeth L. Schultz**
> > > **Assistant State Superintendent of Public Instruction**
> > > Virginia Department of Education
> > > 101 North 14th Street
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

Elizabeth L. Schultz

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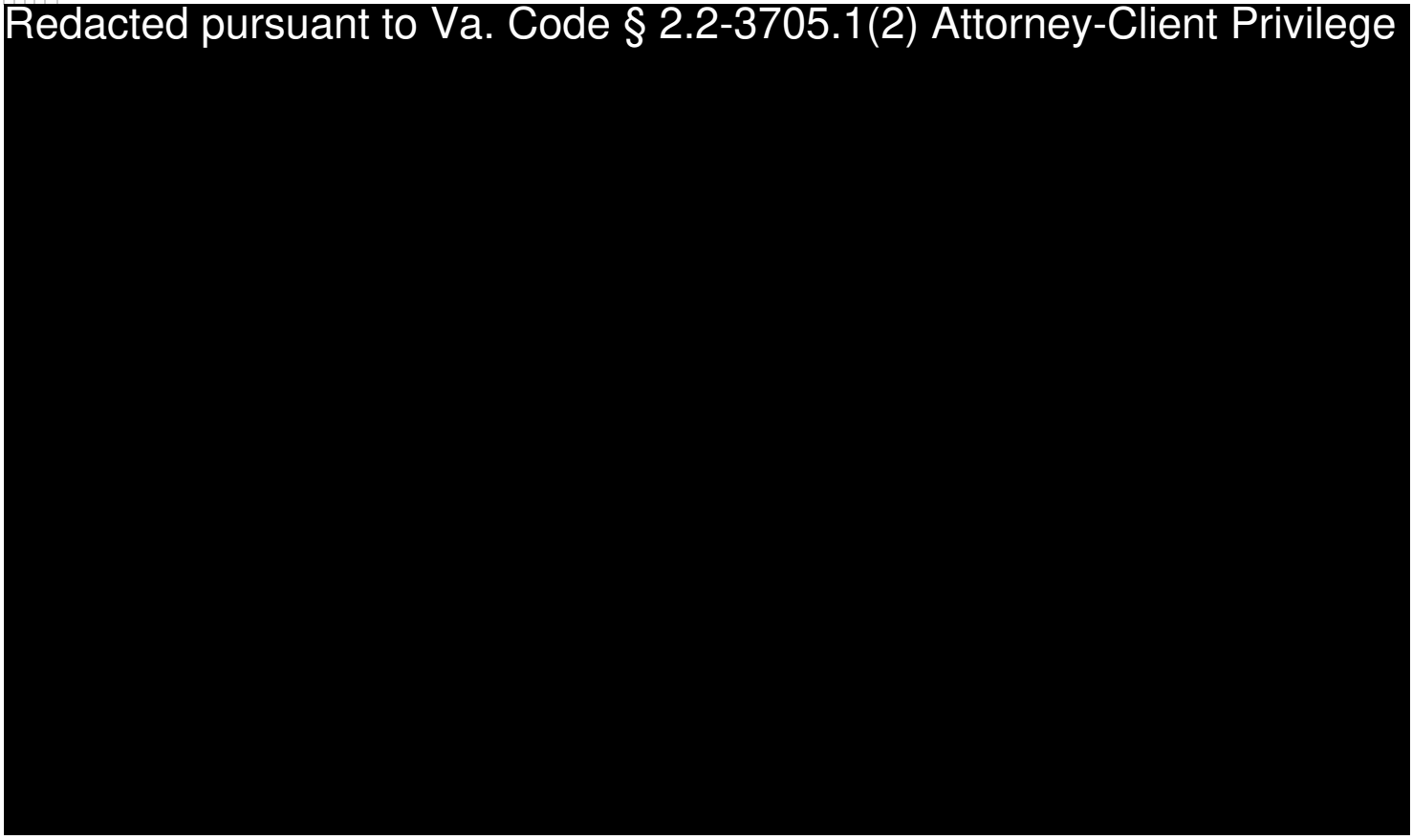
Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege



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Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
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elizabeth.schultz@doe.virginia.gov

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Sincerely,

Jon Russell
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VIRGINIA DEPARTMENT ♥F EDUCATION
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- George Washington Carver

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Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 6:52:21 PM
To: "Ben Kiser" <b.kiser@vassonline.org>, ztalley@martinsville.k12.va.us
Cc: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "Loving-ryder, Shelley" <Shelley.Loving-Ryder@doe.virginia.gov>, "Kent Dickey" <Kent.Dickey@doe.virginia.gov>, "Dave Myers" <dave.myers@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Atkins, Rosa" <rosa.atkins@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Thank you and follow-up

Superintendent Talley, Executive Director Kiser,
Thank you for the productive meeting yesterday. Secretary Guidera and I appreciated the opportunity to visit with superintendents. We were encouraged by the conversation and next steps. Continued dialogue and a shared understanding about our work going forward is essential. In follow-up, here are action items:

- My team and I will seek input from superintendents as we develop the 90-day report required in Governor Youngkin's Executive Order #1. The report, among other things, will address #12 in the executive order. Closing Virginia's achievement gap is a goal for all of us.
- Direct communication is important. I will send a weekly update with a preview of superintendent's memos, federal updates, and other information for superintendents.
- We will continue to prioritize meetings with region representatives. In the next week, we will send out a reminder of who your VDOE liaison is - please reach out to your liaison or me anytime.

I am confident our work together will continue to be productive and beneficial for all of Virginia's students.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 8:35:10 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc: jon.russell@doe.virginia.gov
Subject: 'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

'This letter is a gross misrepresentation of what superintendents believe' Gov. Youngkin | WJLA

https://wjla.com/news/local/virginia-governor-glenn-youngkin-republican-public-school-superintendents-133-letter-tip-line-education-agenda-divisive-discriminatory-interim-report-critical-race-theory-curriculums-civil-rights-act-ben-kiser

AMERICAN OVERSIGHT

From: jillian.balow@doe.virginia.gov
Sent: 1/27/2022 10:53:37 AM
To: "Annika Nordquist" <annika.nordquist@aei.org>
Cc:
Subject: Accepted: Conservatives for Education Reform Virtual Conversation @ Tue Feb 1, 2022 4pm - 5pm (EST) (Annika Nordquist)

Attachments: invite.ics

jillian.balow@doe.virginia.gov has accepted this invitation.

Conservatives for Education Reform Virtual Conversation

When Tue Feb 1, 2022 4pm – 5pm Eastern Time - New York

Where https://aeimeeting.zoom.us/j/85946994057 (map)

Calendar Annika Nordquist

Who
- Annika Nordquist - organizer
- jillian.balow@doe.virginia.gov - creator
- Hannah Warren
- Max Eden
- Frederick Hess

We're really looking forward to seeing everyone at CFER on Tuesday, February 1st from 4-5pm EST.

The topic is: What role should new institutions play for conservative education reformers? In 2021, new ventures like the University of Austin, Chalkbeat Review, Parents Defending Education, and Hillsdale's Barney Initiative have flourished. The Conservative movement has long held an interest in institution building, including our own scholars (for instance, see Rick's National Affairs piece, "An Ivory Tower of our Own"). But in the past year, the idea has gained a lot of practical, real-world traction. How should we think about these institutions? How can they be effective? Do they raise any concerns? Should they be the focus of education reform efforts?

Join Zoom Meeting
https://aeimeeting.zoom.us/j/85946994057

Meeting ID: 859 4699 4057
One tap mobile
+13017158592,,85946994057# US (Washington DC)
+13126266799,,85946994057# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 720 707 2699 US (Denver)
Meeting ID: 859 4699 4057
Find your local number: https://aeimeeting.zoom.us/u/kcWTlhgQWm

Join by SIP
85946994057@zoomcrc.com

Join by H.323
162.255.37.11 (US West)
162.255.36.11 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
213.19.144.110 (Amsterdam Netherlands)
213.244.140.110 (Germany)
103.122.166.55 (Australia Sydney)
103.122.167.55 (Australia Melbourne)
149.137.40.110 (Singapore)
64.211.144.160 (Brazil)
149.137.68.253 (Mexico)
69.174.57.160 (Canada Toronto)
65.39.152.160 (Canada Vancouver)
207.226.132.110 (Japan Tokyo)
149.137.24.110 (Japan Osaka)
Meeting ID: 859 4699 4057

Invitation from Google Calendar

You are receiving this courtesy email at the account annika.nordquist@aei.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://calendar.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

From: Jillian Balow <jillian.balow@doe.virginia.gov>
Sent: 1/27/2022 1:11:32 PM
To: amber.salter@governor.virginia.gov
Cc:
Subject: Accepted: Secretary Guidera & Jillian Balow- Sen Ed & Health -Publi... @ Thu Jan 27, 2022 1:30pm - 3pm (EST) (amber.salter@governor.virginia.gov)

Attachments: invite.ics

Jillian Balow has accepted this invitation.

Secretary Guidera & Jillian Balow- Sen Ed & Health -Public Education Sub-30 minutes after adjournment

When Thu Jan 27, 2022 1:30pm – 3pm Eastern Time - New York

Where Subcommittee #2 5th Floor (map)

Calendar amber.salter@governor.virginia.gov

Who
- amber.salter@governor.virginia.gov - organizer
- jillian.balow@doe.virginia.gov
- sarah.spota@governor.virginia.gov
- aimee.guidera@governor.virginia.gov
- jennifer.bean@governor.virginia.gov
- dicky.shanor@doe.virginia.gov

Jillian Balow-SB570	Kiggans	Public elementary and secondary schools; curricula and instruction including inherently divisive concepts prohibited.
Secretary Guidaera-SB598	Pillon	College partnership laboratory schools; application and establishment
SB600	Pillon	School safety audits; law-enforcement officers
SB656	Dunnavant	Board of Education; policy on sexually explicit instructional material.

Invitation from Google Calendar

You are receiving this email at the account amber.salter@governor.virginia.gov because you are subscribed for invitation replies on calendar amber.salter@governor.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

AMERICAN OVERSIGHT

From: Jillian Balow <jillian.balow@doe.virginia.gov>
Sent: 3/4/2022 12:15:45 PM
To: jennifer.bean@governor.virginia.gov
Cc:
Subject: Accepted: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (jennifer.bean@governor.virginia.gov)

Attachments: invite.ics

Jillian Balow has accepted this invitation.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York

Where Zoom (listed below) (map)

Calendar jennifer.bean@governor.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 2/15/2022 10:05:13 AM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc:
Subject: Article: WaPo

Of interest

https://www.washingtonpost.com/education/2022/02/14/critical-race-theory-teachers-fear-laws/

AMERICAN OVERSIGHT

From: Atkins, Rosa <rosa.atkins@doe.virginia.gov>
Sent: 2/9/2022 4:51:26 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Department of Education One Virginia Plan

Attachments: Department of Education One Virginia Plan.pdf

Dicky,
Today I participated in a Meet and Greet webinar with DHRM and Chief Sailor, DOI, brought greetings. At the conclusion of the meeting, Vilma Alejandro, Director of Workforce Development, asked all agencies who had not already done so, to submit to Chief Sailor a copy of their agency's One Virginia Plan.

I have a attached a copy of the DOE Plan for your review and guidance. Let me know if you have any questions and if you would like me to forward it to Chief Sailor.
Thanks,
Rosa

Rosa S. Atkins, Ed.D.
Chief Diversity, Opportunity and Inclusion Officer
Virginia Department of Education
101 N. 14th Street
P.O. Box 2120
Richmond, VA 23218
rosa.atkins@doe.virginia.gov
804-225-2021

Education is for improving the lives of others and for leaving your community and world better than you found it.
Marian Wright Edelman

AMERICAN OVERSIGHT

ONE Virginia VDOE Matrix Dashboard

Goal 1: Recruit, retain, and promote a diverse workforce.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Attract, recruit, and hire a diverse workforce at every level of leadership.							
EXAMPLE: Develop mandatory implicit bias training for everyone who participates in the hiring process	• Funding to hire Subject Matter Experts • Funding to purchase the Learning Management System	Human Resources, DEI office, IT, C-Suite, Instructional Design, Supervisors	Increased diversity in applicant pool and hiring decisions	High	January – March 2021 (Development to all employees trained)	• Completion rates • Satisfaction surveys • Applicant pool data	Not yet begun In progress
[Initiative, Task or Strategy]	[What needs to be funded for this to be accomplished?]	[What office or entity is responsible for this task]	[What will be the most direct outcome?]	[Relative to other strategies, is the impact of this program high, medium, or low?]	[Goals are oriented towards the next five years, where does this lie on the timeline?]	[List some statistical variables which can be measured to prove anticipated result.]	[When does this begin?]
Hire and retain staff dedicated to implementing a comprehensive outreach, recruitment and assessment plan focusing on hiring standards and practices; work with DHRM to develop agency recruitment, selection and hiring policies and procedures designed to advance diversity, equity and inclusion.		The Office of Human Capital Department of Diversity, Equity and Inclusion	Increased diversity in applicant pool and hiring decisions	High	January 2022-January 2025	• Applicant pool and hiring data; documentation of updates to processes, policies and procedures	
Hire staff in alignment with the agency's core values of inclusion, excellence, optimism, and service that demonstrate a commitment to diversity, equity, and inclusion.		The Office of the Superintendent	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	High	December 2021-On-going	• Gallup poll satisfaction surveys	
Train all hiring managers and employees serving on interview panels on new procedures and questions designed to increase diversity within the applicant pool, Equal Employment Opportunity requirements, cultural competency, unconscious bias and other related topics as identified.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased diversity in hiring decisions	High	March 2022-On - February 2023	• Training completion rates • Applicant pool and hiring data	

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Implement intentional outreach and recruitment strategies to increase the applicant pool from historically underrepresented populations.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased diversity in applicant pool	High	March 2022 - March 2023	‣ Developed and/or redesigned recruitment documentation ‣ Applicant pool and hiring data	
Review, and where appropriate, revise job descriptions and credential requirements to use inclusive, culturally competent, and gender-neutral language.		The Office of Human Capital and Department of Diversity, Equity, and Inclusion	Increased diversity in applicant pool and hiring decisions	High	December 2021 - December 2022	‣ Job description review data ‣ Applicant pool and hiring data	
Collect data to identify gaps in representation and inform succession planning and pipeline development.		The Office of Human Capital	Increased diversity throughout all levels of agency staffing	High	January 2022-January 2023	‣ Career growth opportunities ‣ Applicant pool and hiring data	
Develop and provide biannual staffing reports to leadership; include organizational charts, titles, salaries, demographics and Equal Employment Opportunity report, etc.		The Office of Human Capital	Increased diversity throughout all levels of agency staffing	High	July 2022-June 2023	‣ Agency staffing data	
Promote a culture of transparency and regularly solicit feedback and recommendations from staff.		The Office of Human Capital and Department of Diversity, Equity, and Inclusion The Office of the Superintendent	Increased perception of satisfaction in the workplace climate and sense of belonging among employees Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	July 2022-June 2023	‣ Gallup poll satisfaction surveys	
Undertake reviews, formal or informal, of VDOE guidelines and handbooks; policies, practices, procedures, and programs that may impact the agency's goals and objectives related to diversity, equity, and inclusion.		The Office of Human Capital and Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	High	January 2022-on-going	‣ Documentation of completed reviews	

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Goal 2: Create and sustain an agency culture that affirms and respects diversity and employs inclusive practices throughout daily operations.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Support a climate that is supportive, respectful, and that values and integrates differing perspectives and experiences.							
Offer resources in compliance with the agency-wide plan to target the most understood languages across the Commonwealth, in addition to American Sign Language (ASL).		Office of Communications; the Department of Diversity, Equity, and Inclusion	Increased access to information for diverse stakeholders	High	December 2021-June 2022	• Documentation of diverse language access to agency resources	In progress
Create opportunities for facilitated dialogue between and among different groups of employees that increases understanding of varied perspectives and nature of social and economic inequalities.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of an inclusive workplace climate and sense of belonging among employees	Medium	July 2022-on-going	• Calendar of agency facilitated dialogue opportunities	
Develop professional learning opportunities on equity policies and tactics to prevent harassment, discrimination, and identity-based violence.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	October 2021-June 2022	• Attendance rates	In progress
Offer educational and celebratory events that recognize, value, and honor diversity and promote inclusion; evaluate different programs for their impact on the climate for and across many dimensions of diversity.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of an inclusive workplace climate and sense of belonging among employees	Medium	July 2021-Monthly	• Calendar of events • Gallup poll surveys	In progress
Normalize and encourage flexible work policies and programs such as telework, wellness, tuition assistance/forgiveness, community service leave, and professional development to support employees' and agencies' growth and productivity at all levels.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion Office of the Superintendent	Increased perception of satisfaction in the workplace climate and sense of belonging among employees Increased growth in career opportunities	High	July 2021-June 2022	• Documentation of policies and programs	
Develop a system of processes and procedures to effectively address agency concerns and complaints according to objective standards as established by DHRM policies and guidelines.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	January 2022-on-going	• Documentation of processes and procedures	

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Develop programs that recognize team members' leadership in diversity, equity and inclusion.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	Medium	June 2022-Quarterly	• Documentation of programs	
Create opportunities for cross-collaboration among employees outside of normal office or department silos to enrich the employee climate, foster diversity of thought, and inspire innovative solutions.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	Medium	July 2022-June 2023	• Gallup poll surveys	
Create processes to assist all department leaders, managers, and team members to identify and report barriers for employees with disabilities by conducting regular accessibility audits; an audit response plan should be issued to agency leaders and appropriate action taken.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	July 2022-on-going	• Accessibility audit data	
Develop processes that leaders and team members across the agency use to include engagement from all employees with the *One Department of Education; Plan for Inclusive Excellence.*		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of satisfaction in the workplace climate and sense of belonging among employees	High	February 2022-on-going	• Gallup poll survey	

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Goal 3: Engage all employees in learning the concepts of varied perspectives of diversity, equity, inclusion and the importance of these concepts in completing the Agency mission.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Improve employee professional development and seek to have survey results indicate high levels of employee attainment with diversity, equity, and inclusion goals.							
Conduct a training needs assessment to determine gaps and create an ongoing training plan. The plan should include agency-wide learning goals based on identified gaps.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace and increased knowledge of and collective movement towards agency goals.	High	July 2022	• Survey results	
Solicit feedback from employees regarding goals and training employees feel should be included and perceived barriers to employees engaging in diversity, equity and inclusion training; include remedies to barriers in the training plan.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	Fall 2022-Review Annually	• Survey results	
Implement required training to educate all staff on equity policies and the importance of prevention and tactics to prevent harassment, discrimination, and identity-based violence.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased awareness and understanding of agency and departmental resources related to harassment, discrimination, and identify-based violence	High	December 2021-June 2022 then on-going	• Completion rates • Number and type of trainings offered	
Training, internal mentoring, and coaching will be designed and delivered to support updating the agency's Employee Work Profiles with new DEI competency. Each employee should know of individual, group, and informal opportunities to grow in their competency.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion	Increased perception of satisfaction in the workplace climate and sense of belonging among employees Increased growth in career opportunities	High	July 2022- Review Annually	• Participation rates • Number and type of trainings offered	
Objective 2: Improve the climate of the agency such that survey results indicate high levels of support for employees and respect for diversity.							
Create and publicize a process to help individual departments and groups from across departments who have ideas for less formal training, workshops, development activities and group activities. Ideas may include book chats, discussions, viewing documentaries, podcasts and/or other materials related to the agency diversity, equity, and inclusion mission.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	Medium	March 2022-Review Annually	• Survey results • Number and type of trainings offered	

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Support individual departments and groups to collect data on their progress toward goals around diversity, equity, and inclusion.		The Office of Human Capital; the Department of Diversity, Equity, and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	January 2022	• Survey results	

AMERICAN OVERSIGHT

Goal 4: Create and sustain an infrastructure that effectively supports individual and collective progress and accountability in achieving the agency's diversity, equity and inclusion goals.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Through adopted accountability measures, the agency team members will understand the progress toward, and barriers toward, its goals articulated in this plan.							
Implement a comprehensive plan for assessing and reporting progress made on the VDOE's diversity, equity and inclusion goals; regularly distribute reports to employees to promote accountability, transparency, and continuous improvement		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	July 2022	• Evidence that Inclusive Excellence has been integrated into strategic planning	
Develop a regular reporting process for progress toward statewide DE&I goals to ensure compliance.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	July 2022	• Documentation of processes used to evaluate diversity, equity and inclusion efforts	
Engage relevant leaders and stakeholders in analyzing disaggregated data and special studies to better understand and resolve barriers to progress on goals whenever reports on diversity, equity and inclusion progress are made.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	Fall 2022	• Survey of agency leadership • An annual report to senior leadership on their progress toward the ONE Virginia goals	
Establish a diversity, equity and inclusion council (representing various departments and levels of leadership) that bears the primary responsibility of communicating needs, barriers and successes to the Department of Diversity, Equity and Inclusion.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	Medium	Summer 2022- Review Annually	• Documentation of mission and scope of work and reports from the Diversity, Equity and Inclusion Council	
Create partnerships with relevant state agencies and organizations for the purpose of sharing resources, best practices, and opportunities for diverse employee engagement on internships.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased collective efforts with external partners to integrate inclusive excellence within resources, practices, and opportunities	Medium	January 2022-on-going	• Evidence of increased cross-agency collaboration and sharing	

AMERICAN OVERSIGHT

Collaborate to create mandatory training for department heads, leaders and members of interview panels on legal interviewing standards, lawful and equitable hiring practices, and the impact of implicit bias and tactics to avoid bias in the recruitment and selection process.		The Office of Human Capital; Department of Diversity, Equity and Inclusion	Increased awareness and understanding of agency and departmental practices related to the impact of implicit bias on recruitment and hiring	High	Spring 2022-on-going	• Completion rates • Number and type of trainings offered	
Work with department heads, leaders and members of interview panels to clarify roles, responsibilities, and division of labor to establish a collective understanding of policies and procedures.		The Office of Human Capital	Increased awareness and understanding of employee roles and responsibilities to ensure equitable accountability measures	High	Spring 2022-on-going	• Documentation of processes used to evaluate diversity, equity and inclusion efforts	
Establish accountability standards for leadership for achieving diversity, equity and inclusion goals		Department of Diversity, Equity and Inclusion	Increased perception of an inclusive workplace climate	High	July 2022	• Documentation of processes used to evaluate diversity, equity and inclusion efforts	
Identify and eliminate barriers to equal employment opportunity protective factors in hiring, promotions, separations, and career development by grade levels and major occupations annually in a manner that is compliant with the Governor's Executive Order, § 2.2-1201 of the *Code of Virginia*, DRHM Policy 2.05 Equal Employment Opportunity, and Title VII of the *Civil Rights Act of 1964*.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of fair career advancement opportunities among employees	High	July 2022-on-going	• Documentation of redesigned processes	
Objective 2: Establish individual accountability by building strategies for Inclusive Excellence into the VDOE's policies, procedures, and strategic planning.							
Review and assess internal policies and procedures not covered by other parts of this plan to identify opportunities to advance organizational excellence.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each agency goal	High	Fall 2022	• Documentation of processes used to set and monitor continuous improvement towards diversity, equity and inclusion efforts • Annual report to senior leadership on their progress toward the ONE Virginia goals	

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Add a Diversity, Equity and Inclusion Competency (with agency-wide, department-specific, and leadership-level-specific components) to performance evaluations to acknowledge individual efforts and growth, help employees understand performance expectations, and identify areas for individual growth. Performance evaluators should conduct midpoint check-ins with employees to provide suggestions on how to meet performance expectations.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased perception of an inclusive workplace climate and sense of belonging among employees	High	January 2023	• Documentation of redesigned performance evaluation	
Enforce no-tolerance expectations with respect to reporting and handling situations that involve sexual harassment, hostility, bullying, and discrimination and hold employees accountable for these and other types of inappropriate workplace behavior.		The Office of Human Capital; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased perception of a satisfactory workplace climate and sense of belonging among employees	High	December 2021	• Documentation of expectations • Survey results	

AMERICAN OVERSIGHT

Goal 5: Develop new and redesign existing partnerships and strategies to provide measurable, direct, equitable, and sustained benefit to all Virginia's diverse communities.

Action	Resources / Fiscal Impact	Lead Person(s) / Department(s)	Anticipated Result	Impact	Timeframe	Metrics	Progress
Objective 1: Demonstrate the engagement with, provide access to, and improve outcomes and experiences of populations that the Virginia Department of Education serves directly and their larger communities.							
Create a language access plan and provide language translation tools on doe.virginia.gov to allow access to greater segments of Virginia's population.		Office of Communications; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased access to information for diverse stakeholders	High	July 2022	‣ Accessibility audit of agency website(s)	
Continually look for efficiencies for all employees to support the accessibility of the agency's online presence.		Office of Communications; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased collective efforts to ensure access to information for diverse stakeholders	Medium	January 2022	‣ Accessibility audit of agency website(s)	
Publish a list of the VDOE's internal and external strategies and initiatives to achieve Diversity, Equity and Inclusion goals to showcase the agency's commitment to Inclusive Excellence. Publish the *One Virginia Department of Education: Plan for Inclusive Excellence* document. *Education: Plan for Inclusive Excellence* document		Office of Communications; Department of Diversity, Equity and Inclusion; Department heads and leaders	Increased inclusive excellence integrated within each internal and external agency strategy and initiative	High	January 2022	‣ Report of demonstrated impact of initiatives and partnerships, evaluated according to the five conditions of collective impact	
Examine existing community outreach and philanthropy programs to identify opportunity gaps and target future endeavors to address gaps.		Department of Diversity, Equity, and Inclusion; Office of Facilities and Family Engagement; Department of Teacher Education	Increased diverse participation and inclusive excellence integrated within each agency partnership	Medium	Fall 2022	‣ Number and type of partnerships or philanthropic initiatives implemented ‣Report on demonstrated impact of initiatives and partnerships, evaluated according to the five conditions of collective impact	
Develop and implement talent management programs internally and externally with professional organizations and institutions of higher education (emphasize HBCU partnerships) to maximize performance and career potential for underrepresented groups within the agency.		The Office of Human Capital; Department of Diversity, Equity and Inclusion	Increased diversity in applicant pool and hiring decisions	High	July 2022-Review Annually	‣ Program participation rates ‣ Applicant pool and hiring data	

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AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 10:49:53 AM
To: ssbrabrand@fcps.edu, "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Follow-up to phone call yesterday

Superintendent Brabrand,
Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.

Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.

Thank you again.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/18/2022 9:16:06 AM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: [External] Follow-up to phone call yesterday

Jillian, Braband is saying he was unaware. How would you like to proceed?

---------- Forwarded message ---------
From: **Brabrand, Scott S** <ssbrabrand@fcps.edu>
Date: Thu, Mar 17, 2022 at 7:51 PM
Subject: Re: [External] Follow-up to phone call yesterday
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>

Dear Jillian,

I checked into this with my legal team. We have not received any notice of complaint on this from OCR, given apparent internal processing delays there. Could you send me copies of anything that you have received?

Sincerely,

Scott

Sent from my iPhone

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: Wednesday, March 9, 2022 9:49:53 AM
To: Brabrand, Scott S <ssbrabrand@fcps.edu>; Jon Russell <jon.russell@doe.virginia.gov>
Subject: [External] Follow-up to phone call yesterday

CAUTION: This email originated from outside of FCPS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Superintendent Brabrand,
Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.

Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.

Thank you again.

JILLIAN
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jillian.balow@doe.virginia.gov

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/8/2022 12:33:37 AM
To: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: [Travel for Approval] Multiple Employee Travel Form_21st CCLC Spring Professional Development Institute

Attachments: Multiple Employee Travel form_21st CCLC Spring Institute.pdf ,2022 Spring Institute Program.pdf

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---------- Forwarded message ---------
From: **Hendron, John** <john.hendron@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:44 PM
Subject: [Travel for Approval] Multiple Employee Travel Form_21st CCLC Spring Professional Development Institute
To: Richard Shanor <dicky.shanor@doe.virginia.gov>
Cc: Marsha Granderson <Marsha.Granderson@doe.virginia.gov>

This was sent last week - just circling back

---------- Forwarded message ---------
From: **Granderson, Marsha** <marsha.granderson@doe.virginia.gov>
Date: Tue, Mar 1, 2022 at 3:30 PM
Subject: Multiple Employee Travel Form_21st CCLC Spring Professional Development Institute
To: <dicky.shanor@doe.virginia.gov>
Cc: Hendron, John <john.hendron@doe.virginia.gov>, Megan Moore <megan.moore@doe.virginia.gov>

Mr. Shanor,

In accordance with SEC. 4202 (c)(3)(B) of *Elementary and Secondary Education Act* of 1965 as amended, the department's 21st Century Community Learning Centers (CCLC) staff members host the 21st CCLC Spring Professional Development Institute annually The 21st Century Community Learning Centers program staff members and the director of the Office of ESEA Programs are requesting to travel to Williamsburg, Virginia, for the event. Staff members will be presenting as well. I have attached the required Multiple Employee Travel form for your approval and the agenda. The theme for the 2022 21st CCLC Spring Institute is The Power of Student Voice! Let me know if you need any additional information.

--

OFFICE OF ESEA PROGRAMS
Marsha M. Granderson
Title IV Coordinator
OFFICE OF ESEA Programs
VIRGINIA DEPARTMENT ♥F EDUCATION
(O) 804-786-1993 | (C) 804-324-3395
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--

John G. Hendron, Ed.D.
Project Manager of Professional Learning & Organizational Development

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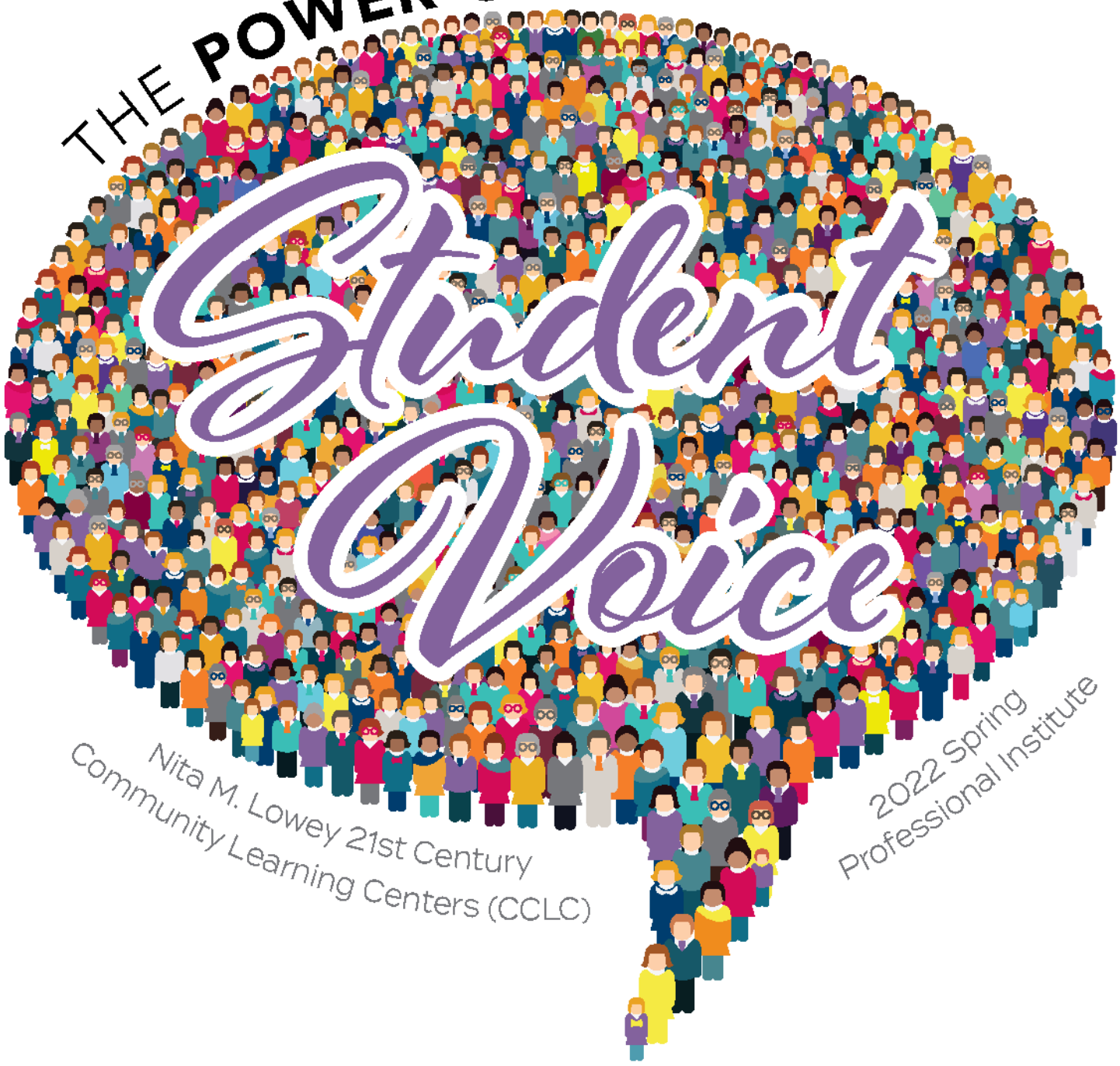
THE POWER OF Student Voice



Nita M. Lowey 21st Century Community Learning Centers (CCLC)

2022 Spring Professional Institute

VIRGINIA DEPARTMENT OF EDUCATION

OFFICE OF ESEA PROGRAMS

VIRGINIA DEPARTMENT OF EDUCATION

March 14 - 15, 2022

Williamsburg Lodge

Williamsburg, VA

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001460

Virginia Department of Education

Division of Student Assessment, Accountability, & ESEA Programs
Office of ESEA Programs

Megan Moore, *Director* ..... Megan.Moore@doe.virginia.gov 804-225-2079

Marsha Granderson, *Title IV Coordinator* ..... Marsha.Granderson@doe.virginia.gov 804-786-1993

Michael Courtney, *Title IV Specialist* ..... Michael.Courtney@doe.virginia.gov 804-371-2934

Anthony Tyler, *Title IV Specialist* ..... Anthony.Tyler@doe.virginia.gov 804-225-2905

Aaron Monroe, *Title II-A/IV-B Specialist* ..... Aaron.Monroe@doe.virginia.gov 804-225-3711

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VA-DOE-22-0316-B-001461

Agenda

March 14-15, 2022

Monday, March 14

7:30 a.m.	REGISTRATION	*Colony Room Foyer*
7:30 a.m. - 8:30 a.m.	BREAKFAST	*Colony Room D,E*
8:30 a.m. - 10:00 a.m.	PLENARY SESSION	*Colony Room D,E*

WELCOME AND REMARKS
Marsha Granderson
Virginia Department of Education
Anthony Tyler
Virginia Department of Education

KEYNOTE: Street Data
Dr. Jamila Dugan
Founder, JD Learning Partners

10:10 a.m. - 11:10 a.m. CONCURRENT BREAKOUT SESSIONS

STUDENT AGENCY: A Metric that Matters *Colony Room D,E*
Dr. Jamila Dugan
Founder, JD Learning Partners
This session explores a shift from standard measures of student success to a new mark student agency. We will unpack this idea and how this pivot can help us reimagine our approach to education including graduate outcomes, assessment, and classroom practice. We discuss this concept using our text, "Street Data: A Next Generation Model for Equity Pedagogy and School Transformation" by Shane Safir and Jamila Dugan. By the end of the session, we will consider how educators can promote student agency in their own work in the short and long term.

AMERICAN OVERSIGHT

Monday, March 14 *(Continued)*

10:10 a.m. - 11:10 a.m.	COMPELLING STUDENTS TO THINK: Activating Student Voice *Dr. Diron Ford* *Newport News Public Schools, Assistant Principal* *This session will discuss teaching/learning methodologies that teachers can use to guide students to comprehend materials and concepts, and articulate ideas at increasingly complex levels.*	*Colony Room A,B,C*
	STRATEGIES FOR EMPOWERING YOUTH VOICE AMONGST ENGLISH LANGUAGE LEARNERS *Susanna Bailey and Bruno Morales* *Newport News Public Schools, Instructional Supervisor of World Languages and Acting ESL Supervisor* *Do you work with language learners? Need ideas on how to amplify student voice and choice? This session explores ideas and best practices for engaging ESL students during after school programs.*	*Piedmont Room*
	WHAT'S IN YOUR BAG?: A Toolkit for Amplifying Student Voice *Shavar J. Bland* *Newport News Department of Human Services, Family Services Specialist* *This session will explore ways to create programs that will amplify and bolster student voice*	*Tidewater Room A,B*
	NASA EGGSTRONAUT PARACHUTE CHALLENGE *Maria Arredondo and Lindsay Thorton* *NASA Office of STEM Engagement, Education Program Specialist and Next Gen STEM Integration Lead Education Specialist* *Students use the engineering design process to construct, test and analyze a prototype parachute designed to slow the descent of an egg and minimize the force of impact when landing, allowing the "eggstronaut" to land safely.*	*Tidewater Room C,D*
11:10 a.m. - 11:20 a.m.	BREAK	
11:20 a.m.-12:20 p.m.	CONCURRENT BREAKOUT SESSIONS *(Repeated)*	
12:30 p.m. - 1:45 p.m.	LUNCH AND PLENARY SESSION	*Colony Room D,E*
	YOU'VE GOT A POWERFUL VOICE: Cultivating Student Voice *Dr. Diron Ford*	

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001463

Monday, March 14 *(Continued)*

1:50 p.m. - 2:50 p.m.	CONCURRENT BREAKOUT SESSIONS *(Repeated)*	
2:50 p.m. - 3:00 p.m.	BREAK	
3:00 p.m. - 4:00 p.m.	CONCURRENT BREAKOUT SESSIONS *(Repeated)*	

Tuesday, March 15

7:30 a.m. - 8:30 a.m.	BREAKFAST	*Colony Room Foyer*
8:30 a.m. - 10:00 a.m.	KEYNOTE: Implementing Project-Based Learning with Y4Y *David McConnell* *Youth for Youth (Y4Y), Lead Training Specialist*	*Colony Room D,E*
10:10 a.m. - 11:10 a.m.	CONCURRENT BREAKOUT SESSIONS	

METHODS TO CAPTURE STUDENT VOICE & CHOICE — *Colony Room D,E*

David McConnell

How can 21st CCLC programs effectively capture student voice and choice data to drive activity selection and development? Join the U.S. Department of Education's Y4Y Technical Assistance Team as we discuss different methods to capturing student voice and choice information. We'll also discuss how to incorporate and embed that student input during program activities.

SHARK TANK — *Colony Room A,B,C*

Dr. Daryle Rodgers, Jennifer Eure, and Lindsey Harris

Hampton City Schools, Extended Learning/Out of School Time Coordinator, 21stCCLC Coordinators

Have you seen the show Shark Tank? Ever wonder if it could work in your program? This session will explore how one school has created, invented and helped their students to think outside the box. The session will explore how the students chose, and perfected their ideas and inventions using everyday items, while improving in reading, writing and mathematics.

10:10 a.m. - 11:10 a.m. CONCURRENT BREAKOUT SESSIONS

YOUTH PANEL: Amplifying Student Voice — *Tidewater Room A,B*

Shavar J. Bland

When students are up-lifted, we all rise together. Student voices offer new perspectives. Elevating their ideas and stories are essential to the mission. This session will give you the opportunity to listen to, learn from, and celebrate students.

EXHIBIT A: A CASE FOR YOUTH VOICE IN AFTERSCHOOL — *Tidewater Room C,D*

Emani Morse and Kishia Taylor

On The Road Collaborative, Director of Middle School Programs and Data and Site Coordinator

Join us for a behind-the-scenes look at our Mock Trials program: a hands-on Career Enrichment that connects youth with practicing lawyers to simulate a trial in front of a local judge. We empower student voices throughout the program by creating opportunities for public speaking, collaborative problem solving, and ownership of their side of the court case. At the end of each semester, the defendant and prosecution teams get dressed for court and present their case in front of a judge, jury, and the community!

I WON'T DRONE ON: How to Incorporate Drone Technology to Engage, Educate and Empower Students in Your Afterschool Program! — *Piedmont Room*

Tracy Hinty, Ricky Bain, Leyna Hansley, Jason Mazingo

Rockbridge County Schools, Supervisor of Federal Programs, Principal, and Site Coordinator,

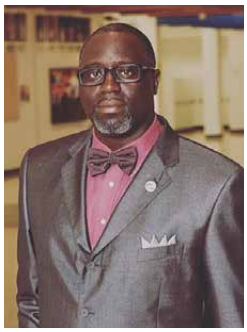
Join the 21st CCLC team from Rockbridge County Schools as we share our successful drone program at Natural Bridge Elementary. In this session, you will learn Drone 101 tips, strategies for drone collaboration with community partners, and how to incorporate drones into enrichment sessions, career studies, field trips and family engagement events!

AMERICAN OVERSIGHT

11:10 a.m. - 11:20 a.m.	BREAK	
11:20 a.m. - 12:20 p.m.	CONCURRENT BREAKOUT SESSIONS *(Repeated)*	
12:30 p.m. - 1:45 p.m.	LUNCH AND PLENARY SESSION 21STCCLC USED APR UPDATES *Michael Courtney* *Virginia Department of Education*	*Colony Room D,E*
1:45 p.m. - 2:00 p.m.	BREAK	
2:00 p.m. - 3:00 p.m.	USING YOUR VOICE IN YOUR LOCAL COMMUNITY, THE HABITAT WAY *Maerine Mitchell* *Director of Volunteer & Community Engagement, Habitat for Humanity Peninsula and Greater Williamsburg* *This session, participants will learn all the ins and outs of Habitat for Humanity, how to connect with their local habitat and how they can use their voice to make change in their community through Habitat's mission.*	*Colony Room D,E*
3:00 p.m. - 3:15 p.m.	BREAK	
3:15 p.m. - 4:00 p.m.	CONCURRENT BREAKOUT SESSIONS *(Repeated)*	
4:00 p.m.	*ADJOURN* *Aaron Monroe* *Virginia Department of Education, Title II-A/IV-B Specialist* *The 21st CCLC Spring Professional Development Institute has been funded with federal funds from the U.S. Department of Education; however, the content shared by VDOE and other presenters does not necessarily represent the policies or views of the U. S. Department of Education, and you should not assume endorsement by the federal government.*	

Speakers

Dr. Jamila Dugan (she/her) is an author, leadership coach and researcher. She is the co-author with Shane Safir of Street Data: A Next-Generation Model for Equity, Pedagogy, and School Transformation, focusing on culturally-rich education environments and anti-racist approaches to learning. She began her career as an early childhood teacher in Washington, D.C successfully supporting the implementation of the International Baccalaureate program in her school. She has served as a coach for teachers, program director, and school leader specializing in equity-centered leadership development. Jamila holds a doctorate in educational leadership for equity from the University of California, Berkeley; a master's degree in curriculum and instruction from George Mason University; and a bachelor's degree in psychology from Fresno State University. Jamila lives in San Diego, CA with her husband and two children.



Dr. Diron T. Ford is an Assistant Principal at Woodside High School located in Newport News Public Schools (Newport News, Virginia). He was named the recipient of the 2021 recipient of The Hampton Roads Committee of 200 + Men Inc. Carter G. Woodson Award for Educational Leadership because of his commitment and contributions to educating youth in Hampton Roads. In addition, Dr. Ford serves as a Guest Contributor for School Rubric having published three articles entitled Boys Read Too Summer Reading Program: Engages African American Males, Building a Youth Leadership Program: The Woodside High School Story, and My Year With COVID: Practical Leadership Lessons in addition to an ASCD featured article, Encouraging Young Black Males to Read During a Pandemic. He has twenty-five years of experience as an educator and has conducted extensive research on educating and mentoring African – American males while conducting presentations at the local, state, and national level. Dr. Ford is the Founder of the Boys Read Too: African- American Male Reading Program. He also serves as an Adjunct Professor at Thomas Nelson Community College in Hampton, Virginia. Dr. Ford holds a B.A. in Social Studies Education from Johnson C. Smith University, M.A. in Urban Education from Norfolk State University, Ed.S. in Educational Leadership from Cambridge College, and Ed.D. in Educational Leadership from Argosy University. Dr. Ford is married to his loving wife, Karnesha Ford, and father to Kiki (15), Diron (19), and Kalen (20).

David McConnell is the Lead Training Specialist for the US Department of Education's Youth for Youth (Y4Y) Team. David provides training, technical assistance, and out-of-school time (OST) resources for afterschool and summer programs. David has eight years of experience in OST learning, primarily in student activities and youth programming. Prior to joining the Y4Y Team, David worked in educational publishing at Macmillan Learning and focused on developing training materials for educational software and providing training for teachers and administrators. David holds a B.A. in English with a minor in Education from Rowan University, and a M.Ed. in Higher Education Administration from Georgia Southern University.

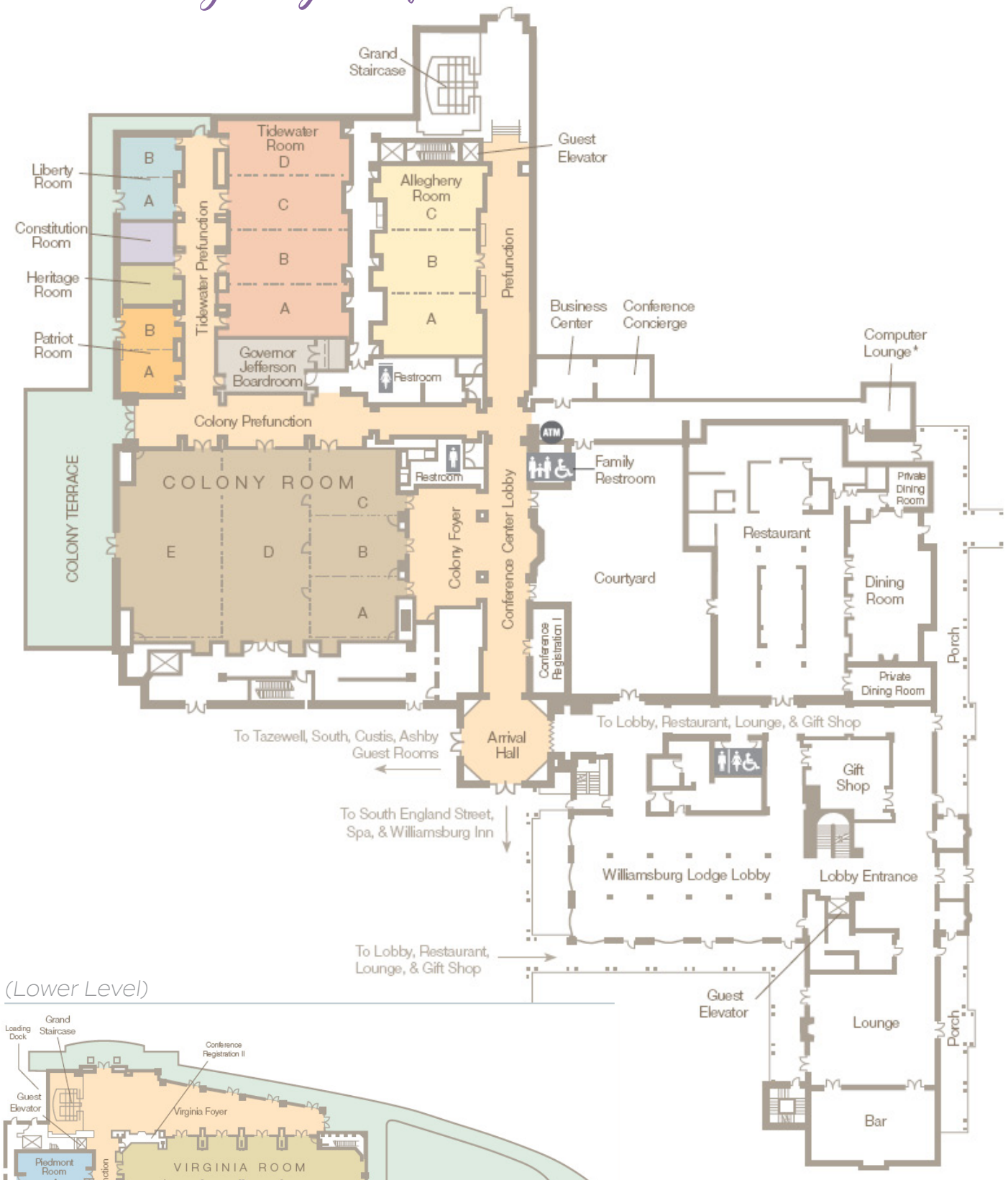
Maerine (pronounced May-Reen) Mitchell, or Mimi as she is affectionately called by friends and family, has a heart for others. Originally from Brooklyn, New York, Mimi grew up in inner city public schools. At 18, she moved to Virginia where she pursued her passion for writing and received her Bachelors of Arts from Virginia Wesleyan College (now University). Mimi served one year as an AmeriCorps VISTA and received her certification as a family mediator and parent educator at a local mediation center, where she still works to help families settle disputes regarding custody, child support and visitation. Currently, Mimi works as Director of Volunteer and Community Engagement with Habitat for Humanity Peninsula and Greater Williamsburg, where she leads their volunteer services, home repair programs, youth programs, advocacy, and veteran projects. Over the years, Mimi has been awarded several accolades, including the Together in Education Award from the City of Norfolk's Education Foundation, The Hampton Roads Gazeti Exemplar Award and The South Hampton Roads PanHellenic Council Unsung Hero Award in 2019. She has also helped Habitat win several critical home repair awards at their Virginia affiliate conference. Mimi is a proud member of the Virginia Beach chapter of Alpha Kappa Alpha Sorority, Incorporated where she runs their high school College Admissions Process program as well as advisor for the chapter at Virginia Wesleyan. She has one son, Sebastian, who is her pride and joy and is currently in pursuit of her Masters in Fine Arts degree in Creative Writing and completing her first fiction novel for young adults. She hopes that every small thing she does makes a small difference for someone else and if it does that is enough for her. For her, "volunteers do not necessarily have the time; they just have the heart."

Notes

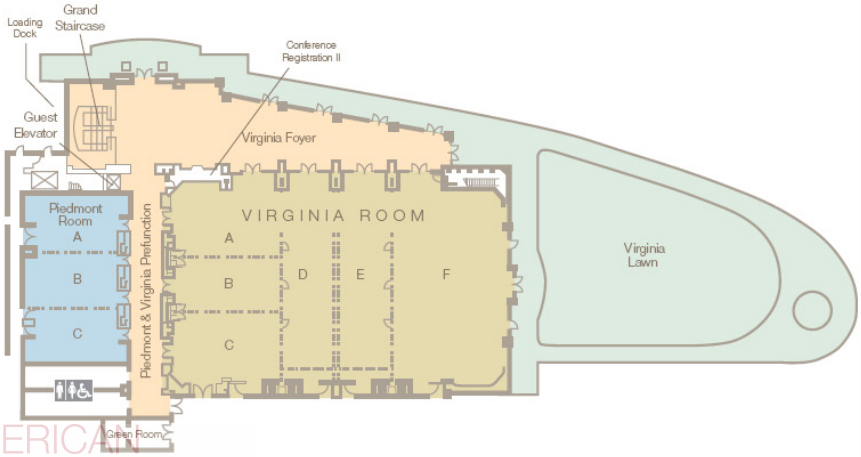
VA-DOE-22-0316-B-001469

Notes

Williamsburg Lodge Conference Center (Main Level)



(Lower Level)



*guest must provide own computers

AMERICAN OVERSIGHT

EMPLOYEE TRAVEL WORKBOOK, MULTIPLE EMPLOYEES EXCEPTION REQUEST TAB
For assistance with this file, contact the Office of Fiscal Services at 804-225-2981 or pamela.sekulich@doe.virginia

TRAVEL INVOLVING MULTIPLE VDOE EMPLOYEES EXCEPTION REQUEST FORM

This form must be approved by the Assistant or Deputy Superintendent and Superintendent's designee for travel exceptions (Chief of Staff) prior to the trip(s), and attached to each traveler's travel reimbursement voucher.

More than three DOE employees are traveling to Williamsburg, VA

on (dates) March 13-15, 2022 **in order to (select one of the three options below):**

X **present and/or assist with logistics of a DOE-Sponsored workshop or meeting, or conduct an onsite monitoring visit.**

_____ **attend a seminar, workshop or training program, and it is not practical to bring the training onsite.**

_____ **If five or more employees are traveling to the same location to receive training, the comparative cost of an on-site session or other justification is included below.**

Additional Information: 21st CCLC Spring Professional Development Institute

TRAVELERS' NAMES:

Marsha Granderson	Megan Moore
Michael Courtney	
Anthony Tyler	
Aaron Monroe	

Signature of Director (if not using Travel Estimate Form)

Typed Name Megan Moore **DATE:** _____

Signature of Assistant or Deputy Superintendent

Typed Name Shelley Loving-Ryder **DATE:** _____

Signature of Superintendent's Designee for Travel Exceptions (Chief of Staff) _____ **DATE:** _____

end of worksheet

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/27/2022 11:08:02 AM
To: "Richard Connor" <dicky.connor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: CERN Monthly Update: January 2022

Such a good read each month.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **AEI's Conservative Education Reform Network** <Hayley.Sanon@aei.org>
Date: Thu, Jan 27, 2022 at 10:33 AM
Subject: CERN Monthly Update: January 2022
To: <jillian.balow@doe.virginia.gov>

Dear CERN members and friends,

CERN is officially one year old! We launched in January 2021 with 75 initial members and are now proud to boast over 500 members in all 50 states, plus a few friends living internationally. We continue to enjoy watching the network grow and seeing the excellent work our members are doing in the field.

To kick off this update, we're thrilled to congratulate **Aimee Guidera** and **Jillian Balow**, who were appointed Secretary of Education and Superintendent of Public Instruction, respectively, by Governor Youngkin in Virginia! Scroll down to learn more about Jillian in this month's member spotlight.

Earlier this month, Rick Hess released the **2022 RHSU Edu-Scholar Public Influence Rankings**. Congratulations to the CERN members who placed in the Top 200! **Eric A. Hanushek** (Stanford) ranked 18th; **Martin R. West** (Harvard) ranked 60th; **Diane Whitmore Schanzenbach** (Northwestern) ranked 66th; **Patrick Wolf** (Arkansas) ranked 103rd; and **Marcus A. Winters** (Boston University) ranked 170th.

Something to check out: The **Center for Education Reform** is wrapping up some great work with their **STOP Award** - **Chicago Rescue Grants**, which were launched within days of the January 2022 Chicago schools crisis to quickly grant funds to schools and educators ready to serve.

Also, happy **National School Choice Week**! Be sure you study up on the official 2022 dance.

Reminder: Now that CERN has hit its first birthday, **we want your feedback**! We'd love to know what you've found particularly helpful so far and what you'd like to see more of going forward. You can complete the survey here.

On a sorrowful note, the CERN team mourns the loss of Zach Eckert, ExcelinEd's Midwest Regional Advocacy Director, who passed in December. Our thoughts and prayers are with his family during this difficult time.

As always, if you have a publication, resource, or event you would like shared in the newsletter, please send me note at Hayley.Sanon@aei.org.

Cheers,
Hayley

CHECK OUT THE CERN DIRECTORY

The directory is searchable by name, state, sector, and specialty and is a good resource for connecting with other members, identifying experts for hearings, and finding leaders to weigh in on policy challenges. Please continue to let us know if you have recommendations for people who would be valuable additions to the network.

NEW FROM CERN

From dependence to resilience:

AMERICAN OVERSIGHT

How philanthropies can better support private schools

Todd Graves and Darrell Jones | American Enterprise Institute

Providing donor-development boot camps and school-building tool kits are two ways that philanthropies can more effectively support private schools for long-term success.

READ MORE

How to rein in the teachers' unions

Howard Husock | City Journal

Break up big-city school districts. Would Mike Mulgrew, president of New York City's teachers' union, be so glib about threatening to shut down Manhattan schools if he knew that Queens or Brooklyn teachers might not go along? Read more.

Upcoming CERN Briefing

How to plan a winning education issue campaign

Thursday, February 3 | 03:00 p.m.– 03:45 p.m.

Please join us for a CERN briefing on how to plan a winning education issue campaign with Katherine Bathgate, CEO and Co-Founder of SchoolForward.

REGISTER

NEW FROM AEI

Education after the pandemic

Frederick M. Hess | National Affairs

Could the disruption born of this once-in-a-century pandemic yield a once-in-a-century opportunity to reset K-12 schooling? Read more.

Diving into education policy expert John Bailey's insights about COVID-19, Omicron and schools

John P. Bailey and Michael B. Horn | The Future of Education

John Bailey, education policy expert and writer of the nightly COVID-19 Policy Update, joined Michael Horn and Diane Tavenner on their latest episode of Class Disrupted to talk about the current state of COVID and schools, Omicron, vaccinations, testing, and more. Read more.

Discussing Critical Race Theory and the Oxford school shooting: Max Eden on the Ben Shapiro Show

Max Eden | Ben Shapiro Show

Max discusses Critical Race Theory and the institutional failures that led to the Oxford school shooting. Read more.

Schools are open despite the omicron surge. They should stay that way.

Nat Malkus | USA Today

The leaders, teachers and families who are reopening schools during a surging pandemic should be celebrated. Read more.

NEW FROM CERN MEMBERS

Still Rising: Charter School Enrollment and Student Achievement at the Metropolitan Level

David Griffith | Thomas B. Fordham Institute

After analyzing charter school enrollment and student outcome data for both charter students and those attending traditional public schools in over 900 metro areas, researchers at the Thomas B. Fordham Institute found that an increase in total charter school enrollment share is associated with a significant increase in the average math achievement of low-income, Black, and Hispanic students – including those in traditional public schools. Read more.

National Symposium for Classical Education

Institute for Classical Education and Great Hearts Foundation

The National Symposium for Classical Education will be held at the Phoenix Convention Center on March 23-25, 2022. Enrich your understanding of the classical liberal arts in both the theoretical and practical dimensions of curriculum and pedagogy. Learn more or register here.

HxA Conference 2022

Heterodox Academy

Heterodox Academy is thrilled to announce their HxA Conference 2022 in Denver, CO on June 12-14. Informed by their theme *Renewing Spaces of Knowledge and Trust*, Heterodox invites higher-education and K-12 professionals, thought leaders, and all who care about the health of education to discuss the crisis of trust facing our public institutions and deepen our shared pursuit of knowledge. Learn more and register here.

The ABC's of School Choice - 2022 Edition

EdChoice

The ABC's of School Choice is a comprehensive, data-rich guide to every private school choice program in America. Get your copy of the 2022 ABC's of School choice here.

AMERICAN OVERSIGHT

Tennessee's pioneering teacher apprenticeship program

Frederick M. Hess | Forbes

Our chronic teacher shortage calls for some creative problem-solving; Tennessee's new "Grow Your Own" model provides a sorely needed alternative to existing K-12 licensure systems. Read more.

The civic education we need

Albert Cheng and Jay P. Greene | National Affairs

If policymakers seek to craft a civic education that improves society, they will have to move beyond the categories of knowledge and ignorance to articulate a vision that confronts deeper complexities of human behavior. Instead of civic education understood as the provision of information, what we need is civic education understood as virtue formation. Read more.

Missouri School Rankings

Show-Me Institute

Since Missouri's SEA does not assign letter grades, rankings, or any other type of meaningful differentiation to district or school performance, the Show-Me Institute decided to do it themselves. Learn more.

We can keep radical politics out of the classroom with the Sunlight in Learning Act

Goldwater Institute

How can we make schools accountable for what they teach and get politics out of the classroom for good? There's a simple solution: sunlight. Goldwater's Sunlight in Learning Act would require public schools to clearly post on their website the learning materials and activities taught to students. That way, parents could easily see which schools are pushing politics in the classroom before they have to make an enrollment decision. Watch the video here.

What will it take to put U.S. K-12 education on a better path?

Keri D. Ingraham | Real Clear Education

The U.S. K-12 education system must change from adult-focused to student-focused, input-focused to output-focused, teaching-focused to learning-focused, group-focused to individual-focused, and time-focused to competency-focused. Read more.

Closures and consequences

Michael Hartney and Renu Mukherjee | City Journal

Politicians in both parties, but especially Democrats, need to understand just how unpopular school shutdowns are with parents. Read more.

Education choice for all students: A moral & national imperative

Star Parker and Marty Dannenfelser | Center for Urban Renewal and Education

This report finds that K-12 education in the United States is far from what it should or could be and offers recommendations for parents, community leaders, policymakers, and advocates on how to advance education choice. Read more.

Here's why Colorado is becoming 'One Dupont (West)'

Alison Griffin | Forbes

Best known for the stunning Front Range mountain landscape, John Denver's "Rocky Mountain High" and a political spectrum that spans the "People's Republic of Boulder" and its conservative counterpart "The Springs," Colorado is quickly becoming a hub of higher education policy, innovation and collaboration. Read more.

Wokeism ended his father's teaching career. Now, this teacher has a warning for other educators.

Virginia Allen | The Daily Signal

To prevent other teachers from suffering the same fate as Martin Paulsson, there must be a shift in the education system. The focus of education, Albert Paulsson says, should be ensuring that "each and every student has access and opportunity to fully develop their potential." Read more.

MEMBER SPOTLIGHT

Jillian Balow

Virginia State Superintendent of Public Instruction

What drew you to the education space?
Literacy. Within one week of starting my first teaching job, I knew I needed to know more about reading. My curiosity opened the doors to learning about data, assessment, and education research - before these topics were standard considerations for educators. I have always been interested in policy and politics and folding these into my career has kept me engaged in the education space for 28 years.

If you could make any one change (policy or otherwise) in education, what would it be and

AMERICAN OVERSIGHT

why?
So often the conversations between parents and teachers, constituents and education leaders, and policymakers and stakeholders are transactional, rather than personal and meaningful. We all agree that student success is at the core of our education system - I am discouraged by the lack of dialogue about our shared goals for students.

What's the best piece of advice you've ever received?
My mom was the sweetest person I have ever known. She taught me (and modeled 100% of the time) the importance of being nice to everyone, and of smiling. It is how people remember my mom still today - I hope it is how I am remembered.

What's the most unexpected thing about you?
I am a hunter - big game, birds - wild game meat is healthy and natural. There is no better day than a day in the hunting field. I am the chairwoman of the Wyoming Women's Antelope Hunt.

What's your favorite:

- **Book:** *Where the Wild Things Are* by Maurice Sendak
- **TV Show:** *Survivor* fan since season one
- **Movie:** *Pretty Woman*
- **Podcast:** So many great ones but I especially love *Honestly* with Bari Weiss
- **Word:** "Rickety" because my daughter learned the meaning of this word when she was five. **EVERYTHING** was "rickety" for months including Grandpa, food that stayed in the refrigerator too long, and our worn out carpet. We still intentionally stretch our use of the word "rickety," just for fun.

BROWSE THE NETWORK

JOB OPENINGS

- Excel in Ed is looking for a Vice President of Development.
- The Daniels Fund is looking for a Grants Impact Manager and an Executive Assistant to the President & CEO.
- The Wisconsin Institute for Law and Liberty is looking for an Administrative Assistant for their Development team.
- The Charter School Growth Fund is looking for a Director of Advocacy.
- The Urban Institute's Center on Education Data and Policy is looking for a Research Assistant and a Research Analyst.
- Pinkston is looking for a Research Manager and a Research Associate, among other openings.
- Chalkboard Review is looking for someone to manage professional communications. If you're interested or have someone to recommend, contact Tony Kinnett.
- The National Constitution Center is looking for a Director of Outreach Education, Director of Museum Education, Social Studies Curriculum and Assessment Writer, and a Junior IT Systems Administrator.
- The ASSISTments Foundation is looking for a Director of Growth and Impact and a Partnership Development Manager, Schools and Districts.
- The Show-Me Institute is hiring an Education Policy Research Assistant. Feel free to send recommendations for the role to hayley.sanon@aei.org.

AEI Meet The CERN Team

Frederick M. Hess
Director of Education Policy Studies & Chairman of CERN

Rick began his career as a social studies teacher before getting his PhD in government at Harvard. Before he was tapped to launch the AEI education program nearly two decades ago, Rick was a professor at the University of Virginia.

Max Eden
Research Fellow & CERN Director

Max began his career right here at AEI as a research assistant and later program manager of the education team. He went on to spend several years as a senior fellow at the Manhattan Institute before coming back to AEI to lead the network.

AMERICAN OVERSIGHT

Hannah Warren
CERN Program Manager

Prior to joining AEI as a research assistant in 2019, Hannah received a BA from Furman University, provided research assistance on the largest evaluation of public Montessori programs in the United States, and interned on Capitol Hill.

Hayley Sanon
Research Associate & CERN Membership Coordinator

Before AEI, Hayley taught seventh-grade math as a Teach for America member in Greensboro, North Carolina. She earned a BA from Duke University and an MEd from the Harvard Graduate School of Education.

Follow @AEIeducation on Twitter for up-to-the-minute updates
Visit www.aei.org/policy/education
Tips? Comments? Questions? Email HayleySanon at HayleySanon@aei.org

American Enterprise Institute
1789 Massachusetts Avenue, NW, Washington, DC 20036
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This message is for: jillian.balow@doc.virginia.gov | Manage Preferences | Unsubscribe

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:11:48 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Chesterfield County Defying EO 'For Now' - Need Your Help

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JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Sam Janney** <samjanney@yahoo.com>
Date: Thu, Jan 20, 2022 at 10:06 PM
Subject: Re: Chesterfield County Defying EO 'For Now' - Need Your Help
To: Ann Coker <ac_coker@ccpsnet.net>
Cc: <jillian.balow@doe.virginia.gov>, <elizabeth.schultz@doe.virginia.gov>, Merv Daugherty <merv_daugherty@ccpsnet.net>

I'm trying.

Virginia Beach just also voted to adhere to the EO.

Please, get this done. Our kids and parents deserve this.

Sent from my iPad

> On Jan 20, 2022, at 8:40 PM, Ann Coker <ac_coker@ccpsnet.net> wrote:
>
> Ms. Janney,
>
> We will have to have another meeting for a vote due to the fact of the motion called today. I can only speak for myself, but yes I intend to adhere to the EO once the guidance is released and we can shift our current processes.
>
> Please hang in there.
>
> Thank you.
> Ann Coker
> Chesterfield County School Board Chair, Bermuda School Board Representative
>
> On Thu, Jan 20, 2022 at 8:19 PM Sam Janney <samjanney@yahoo.com> wrote:
> Ms. Coker,
>
> Powhatan, mask optional.
> Chesapeake (where a group of parents is literally suing the governor),mask optional.
> Prince George, mask optional.
>
> You have to understand how this looks to parents who watched this school board and district ask Northam 'how high' when he said jump, but hesitate with a governor who finally has our backs. It is beyond frustrating, hence my comment about it feeling like a cop-out.
>
> Do you intend to adhere to the EO once the guidance is released or will the board and district make us wait for another meeting? Knowing the EO goes into effect Monday.
>
> Thank you for the response,
> Sam
>
> Sent from my iPhone
>
> > On Jan 20, 2022, at 8:07 PM, Ann Coker <ac_coker@ccpsnet.net> wrote:
> >
> > Ms. Janney,
> >
> > No cop-out here. We need this guidance. It is a realistic ask and expectation for the state to provide the guidance mentioned in executive order #2, directive #5 before implementation.
> >
> > I appreciate you advocating to the state for this guidance.
> >
> > Thank you.
> > Ann Coker
> > Chesterfield County School Board Chair, Bermuda School Board Representative
> >
> > On Thu, Jan 20, 2022 at 3:11 PM Sam Janney <samjanney@yahoo.com> wrote:
> > Good afternoon,
> >
> > I am writing to ask for the state to send unmasking guidance to the school districts ASAP so they cannot use this as a cop-out to defy Governor Youngkin's EO. Today, the Chesterfield County School Board voted to hold off adhering to the EO until they receive guidance from the State Superintendent, even though they were more than happy to follow any and all EOs from Governor Northam without 'guidance.'
> >
> > Please do not allow these districts to keep our children masked by blaming you for not providing them with guidance.
> >
> > What is the timeline for this since the EO takes effect on Jan 24? As it stands, many parents are planning to send children maskless on Monday because the law is on our side. Sorry if that sounds snotty but we're done being cast aside and ignored after the last nearly two years. It's beyond frustrating how willing they were to follow Northam's EOs to shut us down and mask our kids, but they're hemming and hawing about listening to parents.

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So we need your help. Please.

I have copied Superintendent Daugherty and Board Chair, Ann Coker.

Sincerely,
Samantha Janney
Chesterfield County Parent

AMERICAN OVERSIGHT

From: Superintendent, rr <superintendent@doe.virginia.gov>
Sent: 3/10/2022 3:34:51 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: Cultural Competency Training for Teachers

---------- Forwarded message ---------
From: **Arlet Greer** <greerseven@gmail.com>
Date: Thu, Mar 10, 2022 at 9:36 AM
Subject: Cultural Competency Training for Teachers
To: <superintendent@doe.virginia.gov>

Good morning Ms. Balow,

Welcome to Virginia!

I am a conservative minded citizen and a member of the Franklin County School Board. I am currently serving on a history commission as an observer as the commission filters through the history standards trying to see if any elements of CRT are present and if there is important points in history that have been omitted.

My question for you is whether or not the content of the "Cultural Competency Training" for teachers will change? I spent a day in 2021 with teachers going through this training and have some concerns about some of the content.

I would love to talk to you or someone in your office concerning this matter.

Thank you and may God bless you as you serve our great Commonwealth!

Mrs. Arlet Greer
Franklin County School Board
arlet.greer@frco.k12.va.us
540-493-7576

AMERICAN OVERSIGHT

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/7/2022 12:40:16 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Curriculum Question

Please see below; adding to our 1 pm for discussion.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

CONFIDENTIALITY WARNING: *The information conveyed in this communication is intended for the use of the original addressee(s), and may be legally privileged, confidential, and/or exempt from disclosure under applicable law. If this communication was not addressed or copied to you, then you have received it in error and are strictly prohibited from reading, copying, distributing, disseminating, or transmitting any of the information it conveys. If you received this communication in error, please destroy all electronic, paper, and other copies, and notify the sender of the error immediately. Accidental transmission of this communication is not intended to waive any privilege or confidentiality protected under the Virginia's Freedom of Information Act.*

---------- Forwarded message ---------
From: **Moms4 Liberty** <moms4libertybedford@gmail.com>
Date: Mon, Mar 7, 2022 at 11:09 AM
Subject: Curriculum Question
To: <elizabeth.schultz@doe.virginia.gov>

Good Morning! Happy Monday!

Our school board is getting ready to recommend some curricula for purchase for the next school year. Members of our organization, Moms for Liberty, have been given the opportunity to review the choices that the curriculum review committee has narrowed down and we are concerned about some of the content. Given the giant, sweeping clean-out going on at the VDOE and the approved curriculum, my concern is that our county will approve these curricula and put them in the hands of our students and, next year, these items won't even be approved by the VDOE. I'd like to encourage our School Board to put the pause button on this purchase (which will use hundreds of thousands of taxpayer dollars), in the interest of making sure that our curriculum is not filled with materials that the VDOE will determine this year is divisive or has an ulterior motive. My concern is that this will be purchased this year, and be unapproved for next year, but will stay in the hands of students for the coming years, because it was "recently purchased" and "VDOE approved at the time". Can you offer any insight into this? The curricula they are suggesting is for Science and English. I would love to have some validation from the administration regarding our thoughts on this matter. Any advice or insight you could offer would be greatly appreciated. My goal is to present our suggestions to our Bedford County School Board at the meeting this Thursday, in the hopes of delaying their purchase approval (which they will vote on at the April meeting).

Also, a quick update for you. The open school board seat that I mentioned to you at dinner a few weeks ago has been filled. The board voted 4-2 to appoint the candidate that our organization was supporting; a conservative, business-owner and parent who has been serving the movement towards parental rights in the last year. He was being opposed by a 40 year veteran of the school system who, in recent years, had sued the school board for sexual discrimination. Another victory for parents!!!

Thanks so much for any insight you can provide!
All the best to you!
Amy Snead

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/18/2022 10:40:26 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Day One Executive Actions Instructions

Attachments: EA Instructions.docx

Just received.
JB

---------- Forwarded message ---------
From: **Ahmad, Ali** <ali.ahmad@governor.virginia.gov>
Date: Tue, Jan 18, 2022 at 9:28 PM
Subject: Day One Executive Actions Instructions
To: Richard Cullen <richard.cullen@governor.virginia.gov>, Matt Moran <matt.moran@governor.virginia.gov>

Good Evening:

Please see attached a breakout of instructions included in the Governor's Day One Executive Actions.

If you have any questions please reach out to us.

Regards,
Ali Ahmad

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GOVERNOR OF VIRGINIA

Day One Executive Action Instructions By Secretariat

Governor's Office

- **EO 7-** Establish the Human Trafficking Prevention and Survivor Support Commission and assign duties as spelled out in the executive order.

- **EO 8-** Establish a Commission on Combatting Antisemitism, appointing members and chair(s), directing agencies to support as needed. propose actions to combat antisemitism and reduce the number of antisemitic incidents

Chief Transformation Officer

- **EO 5-** The primary responsibilities of the Commonwealth Chief Transformation Officer will be to help build a culture of transparency, accountability, and constructive challenge across our government; ensure employees at all levels of government are reminded that our government works for the citizens of Virginia; drive changes improving the effectiveness and efficiency of our government through tracking key performance metrics; identify, coordinate, and lead targeted transformation efforts; and all other duties and responsibilities as determined and assigned by the Governor.

Office of the Attorney General Requests

- **EO 3-** Request the Attorney General to coordinate the prosecutorial and investigative efforts and to bring such cases as he may deem appropriate in order to protect the citizens of the Commonwealth and hold accountable any individuals who have violated

AMERICAN OVERSIGHT

existing law or violated the rights of victims of crime.

- **EO 4-** Request the Attorney General to initiate and coordinate investigative and prosecutorial efforts and to take such actions as he may deem appropriate in order to protect the citizens of the Commonwealth and hold accountable any individuals who have violated existing law or violated the rights of victims of crime.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

Administration

- **ED 2**
  - The Department of Human Resource Management shall work with private providers to ensure that vaccines and boosters are available to state employees and shall share provider information with all Executive Branch Employees.
  - The Department of General Services shall work with private providers to ensure that KN95 masks are available to employees and visitors at every state building.
  - Department of Human Resource Management shall issue a revised policy on COVID-19 “Public Health Emergency Leave” as revised or updated for information about paid time off for those diagnosed with COVID-19, in according with Executive Directive Two (2022)

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor’s authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor’s authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Agriculture and Forestry

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer

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- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Commerce and Trade

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Commonwealth

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

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Education

- **EO 1**
  - The Superintendent of Public Instruction shall review all policies within the Department of Education to identify those that promote inherently divisive concepts. Such policies shall be ended.
  - The Superintendent of Public Instruction shall immediately review all guidelines, websites, best practices, and other materials produced by the Department of Education to identify those that promote or endorse divisive or inherently racist concepts. Such shall be removed.
  - The Superintendent of Public Instruction shall review the Department of Education's Cultural Competency Training to determine if it or any portion promotes inherently divisive concepts, and take action consistent with the laws of Virginia to modify such training to end the use of inherently divisive concepts. In addition, the Superintendent shall make recommendations on how the Department of Education and school division can develop and make available to all teachers and school leaders model professional development and training so teachers and schools are prepared to engage students on important civics and historical issues in a fair and unbiased manner without imposing their own personal beliefs.
  - The Superintendent of Public Instruction shall review and revise or rescind Superintendent's Memo #050-19 to remove reference to any inherently divisive concepts.
  - The Superintendent of Public Instruction shall review all changes made to the Commonwealth of Virginia's public education curriculum within the last 48 months to identify inherently divisive concepts, including concepts or ideas related to Critical Race Theory, and initiate, through the regular curriculum re-evaluation process, 3 changes that will replace them with concepts and lessons that ensure all Virginia students are taught to respect all individuals regardless of their race, sex, or faith.
  - The Superintendent of Public Instruction shall review the Department of Education's Cultural Competency Training to determine if it or any portion promotes inherently divisive concepts, and take action consistent with the laws of Virginia to modify such training to end the use of inherently divisive concepts. In addition, the Superintendent shall make recommendations on how the Department of Education and school division can develop and make available to all teachers and school leaders model professional development and training so teachers and schools are prepared to engage students on important civics and historical issues in a fair and unbiased manner without imposing their own personal beliefs
  - The Superintendent of Public Instruction shall review and revise or rescind Superintendent's Memo #050-19 to remove reference to any inherently divisive concepts

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- The Superintendent of Public Instruction shall review all changes made to the Commonwealth of Virginia's public education curriculum within the last 48 months to identify inherently divisive concepts, including concepts or ideas related to Critical Race Theory, and initiate, through the regular curriculum re-evaluation process, changes that will replace them with concepts and lessons that ensure all Virginia students are taught to respect all individuals regardless of their race, sex, or faith.
- The Superintendent of Public Instruction shall review the "EdEquityVA" program and end any portion that promotes inherently divisive concepts.
- The Superintendent of Public Instruction shall provide a report to me and the Secretary of Education within 30 days any policies, programs, training, or curricula that falls within the definition of inherently divisive concepts and within 90 days identify any necessary executive and legislative actions needed to end use of all inherently divisive concepts in public education.
- The Superintendent of Public Instruction shall review and immediately end the use of any portion of any Governor's School program that promotes inherently divisive concepts.
- The Superintendent of Public Instruction shall raise standards in K-12 education and immediately take steps to:
    - increase the transparency and honesty of performance measures for public elementary and secondary schools in the Commonwealth and ensure that such measures do not obscure or conceal disparities in performance among student groups;
    - ensure that performance measures for public elementary and secondary schools prioritize the attainment of grade-level proficiency in reading and mathematics for all students, especially in grades K-5;
    - ensure that the Commonwealth's proficiency standards on Standards of Learning assessments in reading and mathematics are rigorous in comparison with assessments administered by other states and national assessments in reading; and
    - increase the number of academic-year Governor's Schools in the Commonwealth and maintain standards of excellence for students in all such schools.
    - ensure that parents are empowered with open access to information on primary instructional materials utilized in any school and that fair and open policies are in place to address any concerns or complaints in a timely and respectful manner.
- The Superintendent of Public Instruction shall issue a report to the Secretary of Education and me within 90 days on the status of efforts to close the "achievement gap" in K-12 education, with recommendations for additional executive and legislative actions that should be undertaken to ensure all students are graduating high school career and college ready.
- The Superintendent of Public Instruction will initiate, through the regular curriculum re-evaluation process, changes that ensure Virginia students are given thorough and comprehensive education of world, United States, and

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Virginia history without the influence of inherently divisive concepts.

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- **EO 2**
    - The Superintendent of Public Instruction shall rescind the Interim Guidance for COVID-19 Prevention in Virginia PreK-12 Schools, issued January 14, 2021, and updated October 14, 2021, and issue new guidance for COVID-19 Prevention consistent with this Order.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 8**
    - Participate in Commission on Combatting Antisemitism- compile materials and provide assistance to Virginia's public school system and state institutions of higher education in relation to antisemitism and its connection to the Holocaust.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Finance

- **ED 1-** provide the Governor with a report providing the following information dealing with promulgation of regulations related to regulatory reduction as authorized by House Bill 883 (2018):
    - Recommendations for ensuring complete documentation of any specific legislative mandates directing agencies to promulgate regulatory requirements;
    - An inventory of all exemptions from the Administrative Process Act and analysis of whether continuing these exemptions is in the best interests of the citizens of the Commonwealth. Such analysis shall also provide recommendations for legislative action to implement these recommendations;
    - Recommendations on additional efforts needed to ensure consistency across agencies in the approach to regulatory development and review;
    - Recommendations for improvements to the existing periodic review process, including documenting the statutory authority and certifying the number of regulatory requirements in the regulation at the time of review;
    - The feasibility and effectiveness of expanding the regulatory reduction pilot program to other agencies; and

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    - The feasibility and effectiveness of implementing a 2-for-1 regulatory budget.

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Health and Human Resources

- **EO 2**
    - The State Health Commissioner shall terminate Order of Public Health Emergency Order Ten (2021).

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Labor

- **EO 5-** Collaborate with the Chief Transformation Officer on VEC

- **EO 6**

AMERICAN OVERSIGHT

- Convene an emergency meeting of the Safety and Health Codes Board membership to discuss whether there is a continued need for the "Permanent Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19." The board is directed to consider federal action in regard to the Occupational Safety and Health Administration Emergency Temporary Standard. The Board should report its findings to the Governor within 30 days.
- Seek guidance from the Office of the Attorney General regarding whether the proper legal and administrative procedures were followed during adoption and promulgation of the Permanent Standards.
- As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under my authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Natural and Historic Resources

- **EO 9**
  - Director of DEQ shall in coordination with Secretary:
    - Provide me a full report re-evaluating the costs and benefits of participation in the Regional Greenhouse Gas Initiative Inc. in view of all available data, within 30 days.
    - During this same period, develop a proposed emergency regulation for the State Air Pollution Control Board's consideration to repeal 9VAC5-140.
    - During this same period, take all necessary steps to so that any proposed regulation to the State Air Pollution Control Board can be immediately presented for consideration for approval for public comment in accordance with the Board's authority pursuant to § 10.1-1308 of the Code of Virginia.

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- During this same period, notify the Regional Greenhouse Gas Initiative Inc. (RGGI Inc.) of the review and the Governor's intent to withdraw from RGGI, whether by legislative or regulatory action.

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Public Safety and Homeland Security

- **EO 3:** The Secretary of Public Safety and Homeland Security is directed to perform a programmatic review of the Parole Board's duties, procedures, and administration. The review shall include, but not be limited to, increasing the transparency of Parole Board votes, recording reasons for granting parole, and reviewing the management, personnel, and operations of the Parole Board. This review shall provide recommendations for legislative, administrative, and policy changes that will improve the administration of the agency in fulfilling its solemn public safety mission.

- **EO 7-** Coordinate with Human Trafficking and Survivor Support Commission

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by

AMERICAN OVERSIGHT

federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Transportation

- **EO 5-** Collaborate with the Chief Transformation Officer on DMV

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

Veterans and Defense Affairs

- **EO 1:** Executive Employees shall be prohibited from directing or otherwise compelling students to personally affirm, adopt, or adhere to inherently divisive concepts.

- **EO 5:** Collaborate with the Chief Transformation Officer.

- **EO 6:** As a matter of enforcement discretion, all Virginia Agencies of the Commonwealth under the Governor's authority are directed to focus their limited resources on enforcement activities that have the most impact with the least burden on our business and citizens.

- **ED 1:** all Executive Branch entities under Governor's authority to initiate regulatory processes to reduce by at least 25 percent the number of regulations not mandated by federal or state statute, in consultation with the Office of the Attorney General, and in a manner consistent with the laws of the Commonwealth.

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:11:27 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Executive Order # 2 / Chesterfield County Defiance of Order / Guidance Needed

---

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Rebecca Smith** <sibley.rebecca@gmail.com>
Date: Thu, Jan 20, 2022 at 4:59 PM
Subject: Executive Order # 2 / Chesterfield County Defiance of Order / Guidance Needed
To: <jillian.balow@doe.virginia.gov>

Dear Ms. Balow,

I am a resident of Chesterfield County. This afternoon, Chesterfield County voted to defy Governor Youngkin's Executive Order requiring parents to make decisions regarding masking, and in doing so, voted to violate the civil rights of 60,000 parents. Chesterfield County School Board Members indicated that they needed to await guidance from the VDOE before removing their mask mandate.

I respectfully request that you provide guidance to Chesterfield County *immediately* in support of Governor Youngkin's Executive Order.

Furthermore, I respectfully request that you decisively and assertively notify Chesterfield County of its violation of the Governor's Executive Order and their violation of the rights of Chesterfield parents.

Thank you for your time and consideration.

Rebecca Smith
5726 Maple Brook Dr.
Midlothian, VA 23112
(609) 238-5948

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/2/2022 2:43:21 PM
To: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Sarah Spota" <sarah.spota@governor.virginia.gov>
Cc:
Subject: Fwd: Final Updated Guidance

Attachments: Revised Covid-guidelines-child-care-english Post 739 Updated 3_2.docx

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All updated and Jenna is posting now.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Conway, Jenna** <jenna.conway@doe.virginia.gov>
Date: Wed, Mar 2, 2022 at 1:16 PM
Subject: Final Updated Guidance
To: Jillian Balow <jillian.balow@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>

Here's what I have addressed:

- Date
- Will encourage (not "encourages")
- Margins

Will move this forward. Please let me know if anything is missing.
--

JENNA CONWAY | DEPUTY SUPERINTENDENT
DIVISION OF EARLY CHILDHOOD CARE AND EDUCATION
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.774.9564
jenna.conway@doe.virginia.gov

AMERICAN OVERSIGHT

Updated COVID-19 Guidance for Child Care Programs

March 2, 2022

Purpose

As current COVID-19 infections decline and vaccinations and natural immunity increase within the general population, Virginia is on a path toward normalcy. This guidance is for child care centers and family day homes. This document supersedes all previous guidance issued by the Virginia Department of Education (VDOE).

This guidance provides discretion so programs can work closely with parents to implement practices that best meet the needs of individual programs and their families. Guidance is not mandatory, and is not subject to enforcement by the Office of Child Care Health and Safety. The VDOE will continue to inspect regulated and licensed programs for health and safety requirements based on the Code of Virginia and in regulation (8VAC20-770 through 8VAC20-850, as appropriate).

Child care programs are encouraged to practice multiple prevention strategies and remain vigilant about changing conditions. The benefit of mitigation efforts must always be weighed against the cost to children's overall well-being. Here are key prevention strategies that child care programs in Virginia should consider:

1. **Vaccinations**
   - All child care staff are encouraged to get vaccinated. Employers should facilitate employees getting vaccinated**.**

2. **Staying Home When Sick**
   - Instruct any children, teachers, and staff who have symptoms of infectious illness, such as influenza (flu) or COVID-19, to stay home and seek advice on testing and treatment from their physician.
   - If a child becomes sick while in care, arrange for the child to be picked up, while the child waits in a separate isolation room/area.

3. **Face Masks**
   - As relates to staff, providers should refer to the Virginia Department of Labor and Industry (DOLI) standards and updates. Note that updated guidance will encourage employers to permit workers and customers the choice of whether to wear a mask, except as otherwise required by their employer or VOSH pursuant to Va. Code §40.1-51.1.A.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001496

- On January 15, 2022, Governor Youngkin issued Executive Order Number Two (2022) and Order of Public Health Emergency One that rescinded a previous executive order and health order requiring masking of children in public and private school settings.
- On February 16, 2022, Governor Youngkin signed into law SB739 which provides parents the right to opt-out of local school mask mandates on school property. The law also indicates that families do NOT have to provide a reason for opting out and students may NOT face consequences for not wearing masks. All school divisions in Virginia must comply by March 1, 2022.
- The rationale for these actions would be applicable in the child care setting. Programs are therefore encouraged to allow families to make choices about masking that best meet the needs of their children.
- Programs that accepted federal relief funding should follow the updated CDC guidance to the extent practicable AND provide parents the right to opt children out of mask mandates.
- Face masks should NEVER be put on babies and children under age two because ofthe danger of suffocation. Face masks are NOT recommended for any child who is eating, drinking, sleeping, has trouble breathing, or is unable to remove without assistance.

Programs should contact their assigned licensing inspector or the Office of Child Care Health and Safety in their region with questions.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001497

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:12:27 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: FW: CCPS Update: School Board special meeting regarding Governor Youngkin's Executive Order #2

Attachments: 19E7A5AFBB0F485EA5F0600808BA669B.png

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Kate Brus** <katebrus@hotmail.com>
Date: Fri, Jan 21, 2022 at 4:27 PM
Subject: Fwd: FW: CCPS Update: School Board special meeting regarding Governor Youngkin's Executive Order #2
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>

Ms. Balow:

When will new guidance regarding EO 2 be sent to the school board in Chesterfield County? The board member thar represents my district did not seem to have any idea and voted yesterday to ignore EO 2 and continue the mask mandates in schools.

Thank you for any information you can provide.

Kate Brus
Midlothian, Va

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get Outlook for Android

From: Kathryn Haines <ks_haines@ccpsnet.net>
Sent: Friday, January 21, 2022 4:08:17 PM
To: Kate Brus <katebrus@hotmail.com>; Ann Coker <ac_coker@ccpsnet.net>; John Murray <john_murray@ccpsnet.net>
Subject: Re: FW: CCPS Update: School Board special meeting regarding Governor Youngkin's Executive Order #2

Dear Ms. Brus,
Thank you for reaching out. I apologize for the delay in my email response. I have done little but respond to emails or research/prepare for School Board meetings since last weekend. My inbox currently has 174 emails. At this time, we have not received any guidance to review so we don't have a date for review. I hope that helps.
warm regards,
Kathryn

On Thu, Jan 20, 2022 at 2:50 PM Kate Brus <katebrus@hotmail.com> wrote:

> Ms. Haines:
>
> When do you and your fellow board members expect to receive this new guidance?
>
> Kate Brus
>
> Sent from Mail for Windows

From: Chesterfield County Public Schools
Sent: Thursday, January 20, 2022 2:38 PM
To: katebrus@hotmail.com
Subject: CCPS Update: School Board special meeting regarding Governor Youngkin's Executive Order #2

Chesterfield County Public Schools

Jan. 20, 2022

School Board special meeting regarding Governor Youngkin's Executive Order #2

Good afternoon, Team Chesterfield:

The Chesterfield County School board met this afternoon, Thursday, Jan. 20.

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During this meeting, the board voted to approve the following motion:

"CCPS will not be changing our current mitigation strategies including requiring masks until the Superintendent of Public Instruction issues new guidance to school divisions and we can review and determine appropriate implementation."

Chesterfield County Public Schools
P.O. Box 10, Chesterfield, VA 23832

visit mychesterfieldschools.com

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SchoolMessenger is a notification service used by the nation's leading school systems to connect with parents, students and staff through voice, SMS text, email, and social media.

--
Kathryn Haines
Chesterfield County School Board Member, Midlothian
804-543-7949

Please be aware that correspondence with School Board members is subject to the Virginia Freedom of Information Act. This means that your correspondence may be made public if (1) it deals with CCPS business and (2) someone requests it--even if you have asked that your message be kept confidential. Only a few topics are exempt from the disclosure requirement, such as information about identifiable students, and personnel information about individual employees.

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From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/10/2022 12:15:21 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (joan.johnson@doe.virginia.gov)

Jillian, DId anyone take notes from this meeting?

---------- Forwarded message ---------
From: **Johnson, Joan** <joan.johnson@doe.virginia.gov>
Date: Wed, Mar 9, 2022 at 10:42 AM
Subject: Re: Invitation: VASS Board Meeting @ Tue Mar 8, 2022 12pm - 1pm (EST) (joan.johnson@doe.virginia.gov)
To: Jon Russell <jon.russell@doe.virginia.gov>

GM Jon

I was not available to attend the VASS meeting yesterday due to a conference presentation. I am wondering if meeting minutes were taken or recorded? I am attempting to respond to many of the same questions from division staff given our requirements for licensure.

Dr. Joan B. Johnson / Assistant Superintendent
Department of Teacher Education and Licensure
Virginia Department of Education
804.371.2522
joan.johnson@doe.virginia.gov

On Tue, Mar 8, 2022 at 8:55 AM Jon Russell <jon.russell@doe.virginia.gov> wrote:

You have been invited to the following event.

VASS Board Meeting

When Tue Mar 8, 2022 12pm – 1pm Eastern Time - New York **more details »**

Where Zoom (listed below) (map)

Calendar joan.johnson@doe.virginia.gov

Who
- jennifer.bean@governor.virginia.gov - organizer
- aimee.guidera@governor.virginia.gov
- jon.russell@doe.virginia.gov
- jillian.balow@doe.virginia.gov
- kent.dickey@doe.virginia.gov
- dave.myers@doe.virginia.gov
- holly.coy@doe.virginia.gov
- joan.johnson@doe.virginia.gov
- samantha.hollins@doe.virginia.gov
- rosa.atkins@doe.virginia.gov
- shelley.loving-ryder@doe.virginia.gov
- michael.bolling@doe.virginia.gov

3/4 - Ben Kiser: We look forward to the conversation pertaining to the 30-day report, recently submitted to Governor Youngkin, regarding his Executive Order #1.

Topic: VASS Board Meeting with Secretary of Education and State Superintendent

Time: Mar 8, 2022 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us06web.zoom.us/j/84098400877?pwd=Z3ZiNlNsZG93S3hld1dYWTd2dDdBZz09

Meeting ID: 840 9840 0877

Passcode: 720060

One tap mobile

+16468769923,,84098400877# US (New York)

+13017158592,,84098400877# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 840 9840 0877

Find your local number: https://us06web.zoom.us/u/kqa8LczUQ

Going (joan.johnson@doe.virginia.gov)? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account joan.johnson@doe.virginia.gov because you are subscribed for invitations on calendar joan.johnson@doe.virginia.gov.

To stop receiving these emails, please log in to https://calendar.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 10:14:59 AM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: K12 Guidance FAQs

Attachments: VDH FAQs for Revised Interim Guidance for the Prevention of COVID-19 in Virginia K12 Schools, v0.pdf

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Did these go with the Supt Memo before/after our zoom?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

---------- Forwarded message ---------
From: **Forlano, Laurie** <laurie.forlano@vdh.virginia.gov>
Date: Thu, Feb 3, 2022 at 9:06 AM
Subject: K12 Guidance FAQs
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow and Asst. Superintendent Schulz,

Were the attached FAQs shared with School Superintendents? We are receiving feedback from several local health districts that school divisions in their health districts aren't familiar with the document, so just wanted to double check.

We have not posted on our website to date, as we thought sending to school superintendents and local health district staff would be sufficient. However, I'm open to any suggestions to get this information out to school officials more effectively.

Thanks for any insight,

Laurie

Laurie Forlano, DO MPH
Deputy Director, Office of Epidemiology
Virginia Department of Health
804-864-7097
804-337-1193 (mobile)
laurie.forlano@vdh.virginia.gov

AMERICAN OVERSIGHT

VDH Frequently Asked Questions for Revised Interim Guidance for the Prevention of COVID-19 in Virginia K12 Schools

Updated January 26, 2022

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?

Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school-based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to-date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?

CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?

It is possible. The definition of close contact and exceptions pertaining to K-12 schools can be found here. Application of this close contact definition in an environment where all persons in K-

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VA-DOE-22-0316-B-001503

12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?

Yes to the first question. The definition of close contact and exceptions pertaining to K12 schools can be found here. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?

Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?

A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:
1 - The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2 - Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3 - The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4 - The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

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If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?

In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?

Schools are no longer expected to conduct contact tracing on every individual case of COVID-19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?

A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

When does VDH recommend isolation for students, teachers and staff for COVID-19?

VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K12 parents can be found here.

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When does VDH recommend quarantine for students and staff for COVID-19?

Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K12 parents can be found here. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?

When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?

Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?

VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of

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situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?

Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

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VA-DOE-22-0316-B-001507

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?

The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.

Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?

Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

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VA-DOE-22-0316-B-001508

Are there any special considerations for classes such as chorus or band?

Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?

Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K12 Testing Coordinator.

The Revised K12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?

School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?

VDH and DOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home

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VA-DOE-22-0316-B-001509

from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?

Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.
As a reminder, public health does not recommend nor require a test to be released from isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?

Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to

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Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in "Test to Stay"?

No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then the school can require the student to wear a mask for 10 days following exposure to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?

The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

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VA-DOE-22-0316-B-001511

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/20/2022 9:54:58 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Dicky Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Lexington City Schools maintains universal masking policy

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---------- Forwarded message ---------
From: **Patrick Rhamey** <prhamey@gmail.com>
Date: Wed, Jan 19, 2022 at 6:13 PM
Subject: Fwd: Lexington City Schools maintains universal masking policy
To: <jillian.balow@doe.virginia.gov>

Superintendent Balow,

Parents of Lexington City School students all received the below letter regarding their mask policy, which directly contradicts the Governor's executive order. Could you please clarify who is in the right, the school board or the governor?

Thanks,
Patrick Rhamey

---------- Forwarded message ---------
From: **Lexington City Schools** <lcs_alerts@lexedu.org>
Date: Wed, Jan 19, 2022 at 5:57 PM
Subject: Lexington City Schools maintains universal masking policy
To: <karhamey@gmail.com>

Good evening, Lexington City Schools' families and staff -

Please read the attached letter for important information regarding our schools' universal masking policy.
If you have any questions, please feel free to contact your child's school or our School Board Office.

Thank you, as always, for your cooperation and support of our schools, students, and staff.

Best,

Rebecca Walters, Division Superintendent

Attached Files
LCS masking requirement 1 19 2022.pdf

unsubscribe

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 9:06:19 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Mask Mandate

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Mindy VanSkike** <luvthislpn@live.com>
Date: Mon, Jan 24, 2022 at 3:47 PM
Subject: Mask Mandate
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>

Good Afternoon Ms. Balow,

I am writing to inform you that my local school board, Frederick County Public Schools, has elect to continue to mandate masks for our children. I want my right as a parent to choose for my children if they are to wear a mask or not. I understand there are many children who's parents wish for them to continue wearing masks and am supportive of there right to choose. I know the EO #2 from Governor Youngkin states it is up to the parents to decide for our own children. What options do we have a parents and citizens of Virginia?

Sincerely,

Mindy VanSkike

Sent from Mail for Windows

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:11:35 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Question regarding Local Board Administrative Action in response to Executive Order Number 2

Attachments: image001.png ,image002.png ,image003.png ,image004.png ,image005.png ,image006.jpg

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JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Sidney-Ross, Cherlanda** <Cherlanda.Sidney-Ross@icf.com>
Date: Thu, Jan 20, 2022 at 8:15 PM
Subject: Question regarding Local Board Administrative Action in response to Executive Order Number 2
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>, elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>, diane.carnohan@doe.virginia.gov <diane.carnohan@doe.virginia.gov>, dicky.shanor@doe.virginia.gov <dicky.shanor@doe.virginia.gov>
Cc: emily.webb@doe.virginia.gov <emily.webb@doe.virginia.gov>, sonya.broady@doe.virginia.gov <sonya.broady@doe.virginia.gov>, jim.chapman@doe.virginia.gov <jim.chapman@doe.virginia.gov>, meg.gruber@doe.virginia.gov <meg.gruber@doe.virginia.gov>, c.sidneyross@gmail.com <c.sidneyross@gmail.com>

Good evening, all,

It is my understanding that supervision/authority over the educational policies in the public school system lies with local school boards. In response to Executive Order Number Two which provides parents discretion concerning masking within public schools an email was sent to families in Essex County on 01/18/2022 indicating that *members of the ECPS' School Board had an opportunity to review the Governor's Executive Order number two, the Board provided me direction concerning the manner in which to proceed. A majority of the ECPS Board would like to afford parents the right to opt-out of the ECPS' masking protocol, and in effect, allow said students the opportunity to attend school without masking. This sentiment among the members of the Board shall result in administrative action to carry out the Boards' desire in this regard.*

I have reviewed the Essex County School Board Policy Sections BDA Regular School Board Meetings, BBDB Special School Board Meetings, BDDA Notification of School Board Meetings, BCF Policy Adoption, BDDF Voting Method and CHD Administration in Policy Absence (Also BFE) which explicitly states, *In cases where action must be taken by the Essex County School Division and the Essex County School Board has provided no guidelines for administrative action, the superintendent shall have the power to act, but his decisions shall be subject to review by the School Board at its next regular meeting. It shall be the duty of the superintendent to inform the School Board promptly of such action and of the need for policy.* I am confused as to how the school division could initiate Administrative Action when there is a universal masking mandate in place from the August 9, 2021, public meeting where the ECPS Board acted to revise the ECPS mitigation guidance, thus requiring masking in all buildings. Additionally, it seems that the School Board did provide direction and the matter should be put to vote in a public meeting.

I am preparing comments for a Special School Board meeting on January 31, 2022 and would like to speak with someone as to local Board protocol so that I am well informed. Please advise as to whom I can contact at the State Level for assistance.

Thank you in advance,

Cherlanda Sidney-Ross

Cherlanda Sidney-Ross, BSW (she, her, hers)
State/Territory Liaison
Tailored Services
(804) 366-0476
Cherlanda.Sidney-Ross@icf.com

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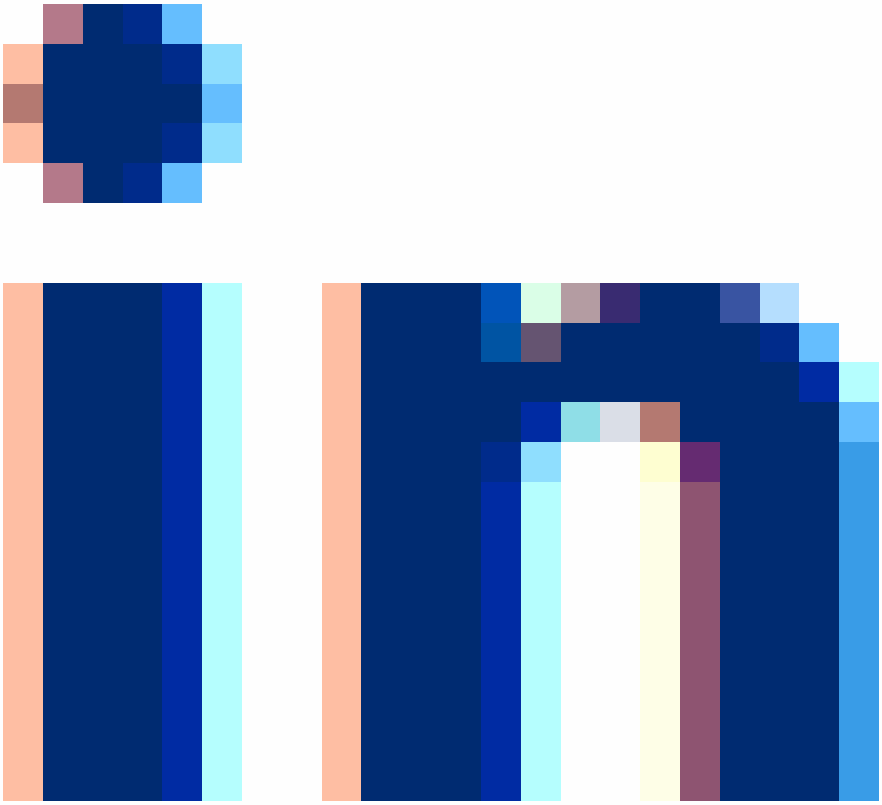

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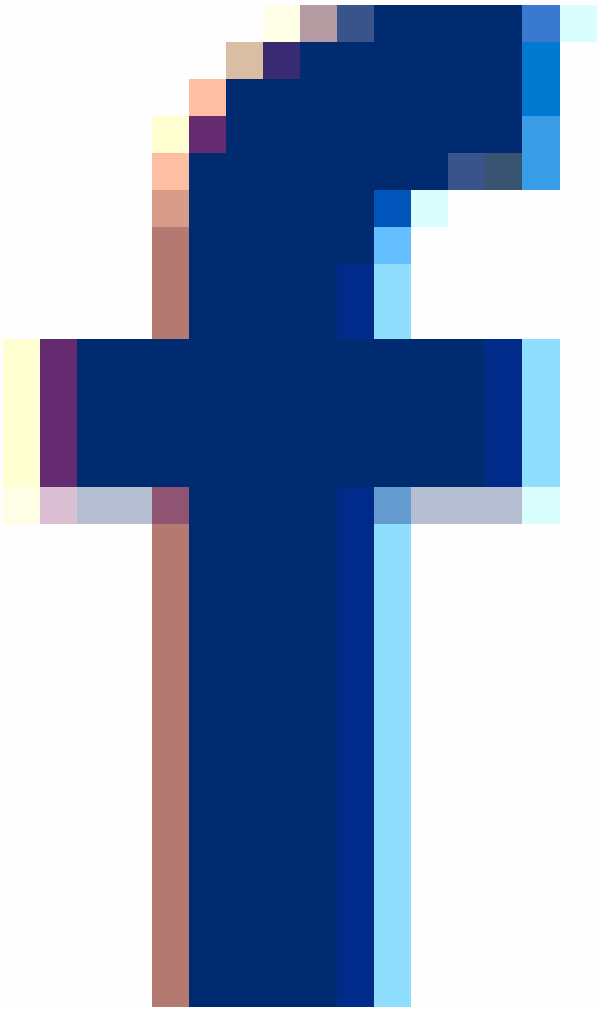

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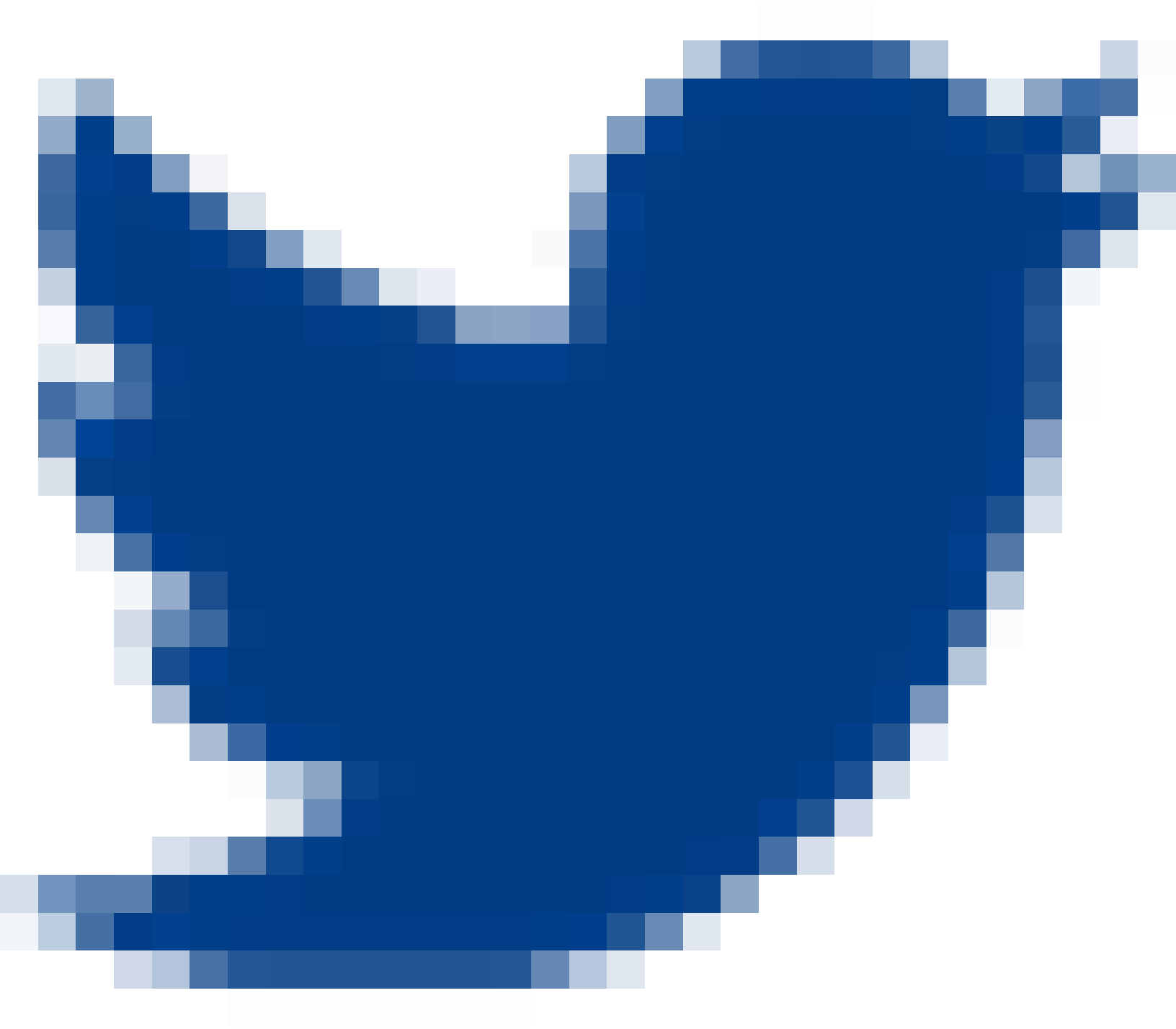

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/22/2022 3:28:40 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>, "Charles Pyle" <charles.pyle@doe.virginia.gov>
Subject: Fwd: Question

Attachments: Lettertofightforschools.docx (1).pdf

Jillian:
Just providing the below as a courtesy, as there appears to be a forthcoming Washington Post news article about the letter written by the Fight for Schools organization to VDOE, the response (attached hereto), and the Loudoun investigation by the OAG.

Best regards,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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---------- Forwarded message ---------
From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 11:09 AM
Subject: Fwd: Question
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>

This just came in from Hannah with the Post. Can we get together and discuss briefly?

Charles B. Pyle
Director of Communications & Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
(804) 371-2420
(804) 640-2117 (cell)
(804) 640-2117 mobile

---------- Forwarded message ---------
From: **Natanson, Hannah** <Hannah.Natanson@washpost.com>
Date: Tue, Mar 22, 2022 at 10:58 AM
Subject: RE: Question
To: Pyle, Charles <charles.pyle@doe.virginia.gov>, ken.blackstone@doe.virginia.gov <ken.blackstone@doe.virginia.gov>

Hi Charles and Ken,

Hope you're well. I am checking in on these questions: Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

Also, Fight for Schools has released a March 15 letter they say came from Superintendent Balow - in response to the parent group's initial letter of February 9, linked here -- which states "Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail. … Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights."

- Is this letter genuine? Can you confirm it was sent by Jillian Balow to Fight for Schools on March 15?
- When the letter refers to "the OAG's insights," is that a reference to the ongoing investigation being led by Attorney General Jason Miyares into Loudoun County Public Schools?
- Finally, what does it mean that the board is "reviewing in detail" the allegations against Ziegler? Is the board conducting any kind of investigation process?

I am requesting responses by 3 p.m. EST today latest. Thank you.

Best,

Hannah

From: Natanson, Hannah <Hannah.Natanson@washpost.com>
Sent: Thursday, February 10, 2022 12:51 PM
To: Pyle, Charles <charles.pyle@doe.virginia.gov>
Subject: Re: Question

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Thanks, Charles. Does Superintendent Balow plan to recommend either fining, suspending or removing from office Loudoun County Public Schools Superintendent Scott Ziegler?

--

Hannah Natanson

Staff Writer, The Washington Post

(202) 580-5477

From: Pyle, Charles <charles.pyle@doe.virginia.gov>
Date: Thursday, February 10, 2022 at 10:19 AM
To: Natanson, Hannah <Hannah.Natanson@washpost.com>
Subject: Re: Question

CAUTION: EXTERNAL SENDER

Hannah,

§ 22.1-65 of the Code of Virginia describes the process for the removal of a division superintendent by the state Board of Education upon the recommendation of the state superintendent.

> § 22.1-65. Punishment of division superintendents.
>
> A division superintendent may be assessed a reasonable fine, suspended from office for a limited period or removed from office by either the Board of Education, upon recommendation of the Superintendent of Public Instruction or the school board of the division for sufficient cause. A division superintendent may appeal to the appropriate circuit court any decision of the Board of Education or school board to assess a fine against him or to suspend or remove him from office and shall be entitled to a trial de novo on such appeal of whether there was sufficient cause therefor.

Charles B. Pyle

Director of Media Relations

Virginia Department of Education

Charles.Pyle@doe.virginia.gov

(804) 371-2420

(804) 640-2117 mobile

On Wed, Feb 9, 2022 at 7:04 PM Natanson, Hannah <Hannah.Natanson@washpost.com> wrote:

> Hi all,
>
> Hope your weeks are going well.
>
> I'm reaching out about the letter that Loudoun parent group Fight For Schools sent to Supt. Balow requesting that she recommend removal of the Loudoun superintendent.
>
> Can you please let me know if/when she decides to act on this letter? Also, I'm curious about the process here. Can Supt Balow recommend, ask for or cause the removal of a district superintendent? I thought that power was vested only in district school boards.
>
> Thank you.
>
> Best,
>
> Hannah

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VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

March 15, 2022

Fight for Schools
Ian Prior, Executive Director
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and for the information regarding Loudoun County Public Schools Superintendent Dr. Scott Ziegler.

Please know the issues raised in the letter, as with any allegation of misconduct raised against any superintendent, are concerning and are being reviewed in detail.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

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PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 5:20:12 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: Fwd: Questions/Answers from 24 Jan Supts Call

It seems odd that this was not presented in document form (pdf), with clarity around the intended audience (versus an email reply with text) - just an observation.

---------- Forwarded message ---------
From: **Hendron, John** <john.hendron@doe.virginia.gov>
Date: Thu, Feb 3, 2022 at 2:27 PM
Subject: Re: Questions/Answers from 24 Jan Supts Call
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
CC: Richard Shanor <dicky.shanor@doe.virginia.gov>, Jillian Balow <jillian.balow@doe.virginia.gov>

It went to all division superintendents, and any others invited on last Monday's call (VASS, VHSL, VSBA).

On Thu, Feb 3, 2022 at 2:03 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> John:
> Would you please let me know to whom this went - just received as a BCC.
> Thank you,
> Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> Good afternoon,
> Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking,

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as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

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Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?

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Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--
John G. Hendron, Ed.D.
Superintendent's Office
Project Manager of Professional Learning & Organizational Development
Virginia Department of Education
101 N. 14th Street
PO Box 2120
Richmond, VA 23218-2120
email: john.hendron@doe.virginia.gov
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--

John G. Hendron, Ed.D.
Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/27/2022 4:40:29 PM
To: "Jon Russell" <jon.russell@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Amanda Blount" <amanda.blount@doe.virginia.gov>
Cc:
Subject: Fwd: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65

Attachments: LTR to SuperVDOE.pdf

Jon,
Please respond to Mr. Prior that I received the formal request.

Amanda, Joan,
As we discussed last week, I request guidance on this matter and on options for proceeding.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Ian Prior** <ian@fightforschools.com>
Date: Fri, Feb 18, 2022 at 2:39 PM
Subject: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
Cc: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow,

Please find attached a formal request that you recommend to the Board of Education the removal of Loudoun County Public Schools Superintendent Scott Ziegler.

The original copy that I sent via certified mail has for some reason been returned and I will resend, but I wanted to make sure that you officially received this electronically.

Thank you for your consideration.

Ian Prior
Fight for Schools
Phone: 571-639-6711
Email: ian@fightforschools.com
Twitter: @iandprior
Linkedin: https://www.linkedin.com/in/ian-prior-1a7851133/

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February 9, 2022

VIA CERTIFIED MAIL

Jillian Balow
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building
101 N. 14th Street
Richmond, VA 23219

CC:

Loudoun County Board of Supervisors
Loudoun County Government Center
1 Harrison St. SE #5
Leesburg, VA 20175

Loudoun County School Board
21000 Education Court
Ashburn, VA 20148

Re: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code §22.1-65

Dear Superintendent Balow:

Congratulations on your appointment as Superintendent of Public Instruction for the Commonwealth of Virginia. The education issue was key to the sweeping change that came to Virginia in 2021, and parents everywhere look forward to the restoration of educational excellence to the Commonwealth's public schools in the years to come.

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As you are no doubt aware, nowhere has the spotlight shone brighter on the failures of Virginia's public school administrators than in Loudoun County. From school board members and administrators participating in private social media forums that targeted parents, to suspending a teacher in violation of his and other teachers' First Amendment rights, to willfully defying Governor Youngkin's Executive Order allowing parents the choice of whether their children wear masks in school, Loudoun County Public Schools has been a case study in mismanagement and disrespect to students, parents, and the taxpayers who fund its operations.

While many of the failures fall at the feet of the Loudoun County School Board, it should be clear to all observers that Superintendent Scott Ziegler does not possess the capability, experience, or leadership skills to sit at the helm of a $1.6 billion taxpayer-funded school division.

Many of those failures will likely be more fully explored in the investigation being conducted by Attorney General Miyares, but Superintendent Ziegler has become such a liability to the safety of Loudoun County children and the trust of the parents that rely on Loudoun County Public Schools to protect those children that, on behalf of Fight For Schools, I request you consider exercising your authority under VA Code §22.1-65 and recommend his removal as Superintendent of Loudoun County Public Schools.

Specifically, Superintendent Ziegler has repeatedly and blatantly misled the public on very serious issues of school safety and has exhibited complete disregard for transparency and accountability.

The following are some of provable examples of Superintendent Ziegler's actions that have not only eroded public confidence in his leadership and in LCPS, but also demonstrate the superintendent's pattern of dishonesty, unprofessional conduct, and willful incompetence.

1. **Superintendent Ziegler's Blatant Misrepresentation to the Public During a June 22, 2021 School Board Meeting**

On May 28, 2021, a young girl was sexually assaulted by a boy in a girls' bathroom at Stone Bridge High School. On the very same day, Superintendent Ziegler sent an email to the full school board informing them of that fact. See Exhibit A.

At the June 22, 2021 school board meeting where Policy 8040 was discussed (a policy which would allow students to use whichever bathroom and locker room that corresponds to the gender with which they identify), school board member Beth Barts asked Superintendent Ziegler the following: *"Do we have assaults in our bathrooms or locker rooms regularly? I would hope not, but I would like clarification."*

Superintendent Ziegler answered definitively: *"To my knowledge we don't have any records of assaults occurring in our restrooms."*[1]

Not only did Ziegler flat out lie about an issue of school safety, but he did so in the context of a debate over the safety of implementing Policy 8040. Such information would be extremely relevant to the public in that debate.

Moreover, at no point in time did Ziegler ever attempt to correct the record.

Worst of all, his failure to honestly state the facts put into motion a chain of events that directly led to the sexual assault of a second girl by the same assailant at a different school and is now the subject of an investigation by the Virginia Attorney General.

In this case, Superintendent Ziegler's knowing misrepresentation arguably would make him both civilly and criminally liable.

In Virginia, a civil cause of action for actual fraud requires a "plaintiff to prove (1) a false representation, (2) of a material fact, (3) made intentionally and knowingly, (4) reliance by the party misled, and (5) resulting damage to the party misled." Cohn v. Knowledge Connections, Inc., 266 Va. 362, 367 (2003).

Superintendent Ziegler falsely and knowingly stated that he was "unaware of any records of assaults occurring in our restrooms," despite sending a May 28, 2021 email to the school board informing them of the sexual assault in the Stone Bridge High School restroom. This was certainly a material fact, especially considering a public debate over bathroom safety policy. As a result, members of the public relied on his statement and were damaged by not receiving accurate information with which to provide input on a policy impacting their children's schools.

Superintendent Ziegler's failure to correct his misstatement also makes him potentially liable for concealment, which under Virginia law is defined as "[c]oncealment of a material fact by one who knows the other party is acting upon the assumption that the fact does not exist ***." Allen Realty Corp. v. Holbert, 227 Va. 441, 450 (1984).

Lastly, all school board meetings are broadcast "live on Comcast channel 18 and Verizon FIOS channel 43" as well as via simultaneous webcast. Pursuant to VA Code §18.2-209, entitled False publications, "[a]ny person who knowingly and willfully states, delivers or transmits by any means whatever to *** any radio station, television station, news service or cable service, any false and untrue statement, knowing the same to be false or untrue, concerning any person or corporation, with intent that the same shall be published, broadcast or otherwise disseminated, shall be guilty of a Class 3 misdemeanor."

[1] Publicly accessible video of June 2, 2021, school board meeting: https://vimeo.com/566103405

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By making a knowingly false statement at a Loudoun County School Board meeting that was transmitted by cable news and a webcast, Superintendent Ziegler may have also violated the criminal prohibition against false publications.

2. **Superintendent Ziegler's Misrepresentation to the Public in a November 5, 2021 Press Release Concerning "Independent Review" of Sexual Assaults**

On November 4, 2021, following his election as Attorney General of the Commonwealth of Virginia, Jason Miyares announced that he would be investigating Loudoun County Public Schools' handling of two sexual assaults at two different schools by the same assailant.[2]

The next day, Superintendent Scott Ziegler issued a press release entitled "LCPS Announces Independent Review of Assault Allegations." The press release read, in relevant part, as follows:

"We believe we have followed all mandatory reporting protocols and aided law enforcement to the fullest extent allowed in all investigations regarding these matters. We acknowledge that these matters need to be fully reviewed. Consequently, and with full support of the School Board, ***Loudoun County Public Schools hired Blankingship & Keith, P.C. on October 28, 2021 to conduct an independent review of these incidents****."* (emphasis added)[3]

On January 3, 2022, on behalf of Fight for Schools, I sent a Freedom of Information Act Request to LCPS requesting the following:

"Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools." See Exhibit B.

The LCPS Public Information Officer responded on January 10, 2022, as follows:

"There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals." See Exhibit C.

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[2] "Virginia Attorney General-elect Miyares plans to investigate school assault cases in Loudoun; chief prosecutor welcomes involvement," Loudoun Times-Mirror, November 4, 2021: https://www.loudountimes.com/news/virginia-attorney-general-elect-miyares-plans-to-investigate-school-assault-cases-in-loudoun-chief-prosecutor/article_51ed0f00-3dd6-11ec-a6c7-339513c0a478.html

[3] LCPS Announces Independent Review of Assault Allegations, November 5, 2021: https://www.lcps.org/site/default.aspx?PageType=3&DomainID=1&ModuleInstanceID=274904&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=416934&PageID=1

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Only after it became public knowledge that LCPS would not release the report did Loudoun County Public Schools communicate with the community about the existence of the report.

On January 14, 2022, the Loudoun County School Board issued a statement stating that it would not publicly release the report provided by Blankingship & Keith, P.C. due to attorney-client privilege. The release further detailed actions LCPS would be taking on matters that were the subject of the report.[4]

Section 2.2-3705.8 of the Virginia Freedom of Information Act, entitled "Limitations on record exclusions," provides as follows:

"Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report."

Superintendent Ziegler made it very clear in his November 5, 2021, release that Blankingship & Keith would be conducting an "independent review." The resulting report was provided to the Loudoun County School Board and LCPS announced actions it would be taking on the matter that was the subject of the report. Therefore, pursuant to §2.2-3705.8, public access should not be denied to non-exempt portions of the report.

However, LCPS has claimed that the report is exempt due to §2.2-3705.1(2), which subsection exempts the following from production to the public:

"Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege."

By claiming this exemption, Loudoun County Public Schools has now made it clear that Blankingship & Keith provided it with legal counsel as opposed to the "independent review" that Superintendent Ziegler sold to the public.

Furthermore, Loudoun County Public Schools did not "hire" Blankingship & Keith on October 28, 2021, as Superintendent Ziegler claims. In response to a FOIA sent to LCPS on January 15, 2022, requesting the retainer agreement between LCPS and Blankingship & Keith signed "on or around October 28, 2021," LCPS stated that no such documents exist. See Exhibits D and E.

[4] Statement from the Loudoun County School Board, January 14, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=335527&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=420880&PageID=241236

Instead, Loudoun County Public Schools actually hired Blankingship & Keith on June 15, 2021, to work for the division on an ongoing basis beginning in July of 2021, with the expectation that firm lawyers would be "on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose." See Exhibit F.

Superintendent Ziegler thus misled the public into believing that Blankingship & Keith was hired on October 28, 2021 to conduct an "independent review" of the division's handling of the sexual assaults at issue, when in fact this was nothing more than an internal investigation and legal advice from a law firm that had been on retainer since the summer.

To reiterate, Superintendent Ziegler misrepresented the nature of an investigation into an incident in which Ziegler misled the community about a sexual assault in a bathroom of which he had full knowledge, and his actions directly contributed to a second sexual assault of a second girl in a second high school by the same assailant, all of which generated the need for Blankingship & Keith to become involved.

Once more, the two false statements by Superintendent Ziegler make a *prima facie* case for fraud. He made a knowingly false statement about a material fact – the independence of the report and the date that Blankingship and Keith was hired – to gain the public's trust in the "independence" of a taxpayer-funded review.

Further, because this statement was released to the media, it may also violate VA Code §18.2-209's prohibition on false statements to publishers.

3. **Superintendent Ziegler's Misleading February 5, 2022 Press Release on Loudoun County Public School's Directive to Press Trespass Charges Against Students Suspended for Not Wearing Masks**

On February 5, 2022 Superintendent Ziegler sent out a press release entitled "Media Rumors Concerning LCPS."[5] The release stated, in relevant part:

"Loudoun County Public Schools (LCPS) would like to address a rumor that has been circulating in our community and in the media. The rumor, which is inaccurate, involves claims that LCPS has taken legal action against students who choose not to follow COVID mitigation measures in our school buildings. LCPS does not have the authority to arrest or charge any suspended students or their parents for trespassing. Furthermore, LCPS has not requested that local law enforcement charge any student with trespassing in connection with recent suspensions.

"Any student who is suspended from school and returns to school property, without administrative permission, may be issued a trespass notice. This is standard practice and a

[5] LCPS Press Release, Media Rumors Concerning LCPS, February 5, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=336264&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=421796&PageID=241480

warning that appears on all suspension notices. Again, students suspended for defiance of COVID mitigation protocols will not be charged with trespassing.

"I want to emphasize that, despite some unverified reports in the media, no students have been arrested for trespassing. Media accounts stating that LCPS is arresting students are not accurate, and create fear and potential harm for our students. We want to assure the community that our primary goal is to keep students in school, learning, and safe."

As of this date, it does not appear that there are any media reports that LCPS students had been arrested. Rather, Daily Caller reporter Chrissy Clark tweeted a video[6] of a Loudoun County assistant principal stating that it would be "considered trespassing" for any student to return to school who had been suspended for not wearing a mask. There have been several follow up stories based on that video, but upon information and belief, none have claimed that any student was arrested.

Thus, Superintendent Ziegler's press release was a textbook straw man argument to dispute rumors that did not exist, while failing to alleviate the concerns of parents about the actual statement made by the assistant principal.

Even worse, the assistant principal was not merely a rogue staffer – she was following orders. On February 2, 2022, the same day as Ms. Clark tweeted that video, Loudoun County Public Schools Director of Safety and Security John Clark sent an email to division principals outlining the steps for taking out a trespass summons/warrant from a magistrate to be served on students who entered school property after being suspended for not complying with the mask mandate.[7]

In other words, Loudoun County Public Schools provided detailed guidance on how to charge students with trespass, an assistant principal was caught on tape saying so, and Superintendent Ziegler said rumors of arrests were not true, even though there were not actual media rumors of "arrests," but it was true that LCPS was instructing staff on how to press charges for trespass.

Again, this another example of the stunning dishonesty and duplicity of an individual who heads up a school system that is responsible for educating more than 81,000 children.

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[6] Chriss Clark Tweet, February 2, 2022: https://twitter.com/chrissyclark_/status/1488955682640601088?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1488955682640601088%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fstoplcpscrt.com%2F2022%2F02%2F02%2Fassistant-principal-of-a-loudoun-county-elementary-school-informing-parents-that-children-who-come-back-to-school-maskless-will-be-charged-with-trespassing%2F

[7] "Loudoun official coached principals on getting warrants for unmasked students," Washington Examiner, February 7, 2022: https://www.washingtonexaminer.com/policy/loudoun-official-coached-principals-on-getting-warrants-for-unmasked-students

4. **Superintendent Ziegler's Illegal Declaration of an Unlawful Assembly at the June 22, 2021 School Board Meeting**

Also at the June 22, 2021 school board meeting, former Senator Dick Black gave a public comment which was greeted with applause. After the applause subsided, then Vice-Chairwoman Atoosa Reaser moved to end public comment and the school board voted 9-0 to do so.

After the premature termination of the public comment session, several attendees remained in the building, continued to make public comments to the audience, and sang the national anthem. Superintendent Ziegler eventually declared the gathering an unlawful assembly, which resulted in attendee Jon Tigges being cited and charged with trespass.

Pursuant to VA Code §18.2-406, the following constitutes an unlawful assembly:

"Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly. Every person who participates in any unlawful assembly shall be guilty of a Class 1 misdemeanor."

At Mr. Tigges's trial, Superintendent Ziegler admitted that, despite declaring an unlawful assembly, he had no legal authority to do so. He said under oath:

"Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of trial that my words were incorrect." See Exhibit G, at 68-69.

Once again, Superintendent Ziegler engaged in inappropriate action at a school board meeting and did so based on information that he did not bother to reference before taking the drastic action that led to a parent being charged with trespass.

5. **Superintendent Ziegler's Misrepresentation of Loudoun County Sheriff's Deputy in Letter to Loudoun County Sheriff Mike Chapman**

In a November 5, 2021 letter to Loudoun County Sheriff Mike Chapman, Superintendent Scott Ziegler stated as follows:

"During the quarterly update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:

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Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office:

"I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public School when the individual was charged?

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified." See Exhibit H.

Superintendent Ziegler's claim that Col. Poland said that the Loudoun County Sheriff's Office told the Board of Supervisors that he notified Loudoun County Public Schools about the charges is not accurate – Col. Poland simply said that "they were notified," but did not specify who notified LCPS.

As outlined by Sheriff Chapman in his response letter of November 10, 2021, because the arrest did not occur on school grounds, VA Code §16.1-260 Section G requires the juvenile intake officer to notify the school superintendent of any juvenile student charged with a crime. See Exhibit I. Further, according to Sheriff Chapman, following the arrest, Jason Bickmore of the Loudoun County Juvenile Court Services Unit (JCSU) confirmed to the Loudoun County Sheriff's Office that the JSCU had sent a letter to Loudoun County Public Schools informing it of the arrest.

This is yet another example of a pattern and practice of Superintendent Ziegler misleading and misstating the facts to blame others and distract from his failed leadership.

6. **Superintendent Ziegler's Misrepresentation to the Public at the June 1, 2021 School Board Work Session Regarding Equity**

At the June 1, 2021 School Board Work Session Regarding Equity, in an effort to discredit the parent movement against CRT and to assert that Fight For Schools recognized his claim that there was no critical race theory taught in Loudoun County Public Schools, Superintendent Ziegler intentionally manipulated a quote I gave to ABC7 as Executive Director of Fight for Schools.

Superintendent Ziegler stated: *"Mr. Ian Prior stated on May 19th on WJLA-TV quote, nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would teach physics or chemistry. End quote."*[8]

The actual quote to WJLA-TV on May 19th carried quite a different meaning than Superintendent Ziegler's manipulation and was as follows: *"Nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would*

[8] Publicly accessible video of June 1, 2021 School Board Work Session Regarding Equity: https://vimeo.com/557614738

teach physics or chemistry, but is a broad lens that's implemented through how teachers are trained and how those trained teachers teach our children; which is to view America, to view our institutions, to view our culture, tradition, and language all based on systemic racism."[9]

This is yet another clear example of Superintendent Ziegler misleading the public on an issue of public concern to the community.

7. **Superintendent Ziegler's Misrepresentation to the Public During an October 3, 2021 Interview with Sharyl Attkisson on "Full Measure"**

During an interview with Sharyl Attkisson,[10] Superintendent Ziegler was asked about the private Facebook group "The Anti-Racist Parents of Loudoun County" that plotted to cancel parents that opposed LCPS policies and included, as members, six school board members and dozens of LCPS administrator and teachers: *"There were school board members and teachers on this Facebook group that were pressing the notion of Critical Race Theory for the schools,"* Attkisson said.

Ziegler responded: *"I'm not familiar with the group, so I wouldn't comment on it."*

Once more, Ziegler knowingly misrepresented himself to the public. The private Facebook group "The Anti-Racist Parents of Loudoun County" gave rise to a Loudoun County Sheriff's Office Investigation and a massive eight-month effort to collect signatures to remove the six school board members who were in the Facebook group. In fact, at the time that Superintendent Ziegler made this statement, the removal case against a former school board member was pending in court with a hearing date for motions scheduled for that week.

Further, Ziegler was informed of the activities of "The Anti-Racist Parents of Loudoun County" Facebook group in an email on March 12, 2021 – the very day that the group was plotting to cancel dozens of parents for their views. See Exhibit I.

Additionally, following the exposure of "The Anti-Racist Parents of Loudoun County" by the Daily Wire on March 16, 2021, then-Interim Superintendent Ziegler stated the following in his "Update on Equity Work," which was released to the public via email and the LCPS website:

"It has come to my attention that individuals, including some identifying themselves as LCPS employees, have made statements across social media about parents and their thoughts about

[9] "Critical Race Theory in Disguise? Equity plan has Loudoun County parents at odds," WJLA-TV, May 19: https://wjla.com/features/i-team/critical-race-theory-in-disguise-equity-plan-has-loudoun-county-parents-at-odds

[10] "Sharyl Attkisson: Inside The Battle Over "Critical Race Theory" In Loudoun County, VA Public Schools, Real Clear Politics, October 3, 2021: https://www.realclearpolitics.com/video/2021/10/03/sharyl_attkisson_inside_the_battle_over_critical_race_theory_in_loudoun_county_va_public_schools.html

the school division's equity work. LCPS recognizes the right of its employees to free speech, but does not condone anyone targeting members of the community for their viewpoint."[11]

At the March 23, 2021 school board meeting where Superintendent Ziegler was present, numerous speakers brought up the group's activities as did school board member John Beatty.[12]

Similarly, at the August 10, 2021 school board meeting, school board member Jeff Morse brought up the group's actions and the failure of several school board members to condemn its activities.[13]

This is a seventh example, on a matter of immense public concern to Loudoun County, where Superintendent Ziegler knowingly made a false statement to the community.

8. **Superintendent Ziegler's False Statement to the Public at the September 22, 2020 School Board Meeting**

At the September 22, 2020, the Loudoun County School Board took up Draft Policy 7560 as an information item. See Exhibit J.

The policy was to be a new Professional Conduct Policy which required all LCPS employees to *"support the school division's commitment to action-oriented equity practices through the performance of the job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability."*

The policy further stated that the following would be a violation of the policy: *"Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices and which impact an individual's ability to perform their job responsibilities or create a breach in trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communications."*

The policy also stated that an employee's First Amendment rights may be outweighed *"[a]chieving consistent application of the Board's and Superintendent's state mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism."*

Finally, the policy encouraged staff to report such speech violations, and prohibited retaliation against an individual for making false reports if they were made with subjective good faith.

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[11] Office of the Superintendent: March 19, 2021 - Update on Equity Work**:** https://www.lcps.org/Page/240170
[12] Publicly accessible video of March 23, 2021 school board meeting: https://vimeo.com/527781745
[13] Publicly accessible video of August 10, 2021 school board meeting: https://vimeo.com/585378140

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This policy represented a drastic and unconstitutional assault of the First Amendment rights of teachers and staff. School board member Denise Corbo asked then-Assistant Superintendent Ziegler if LCPS had reached out to the Loudoun Education Association for input. Ziegler replied:

"This was given to LEA prior to consideration by the committee. They had the opportunity to comment on it. After the committee adopted it, I did hear from one of the LEA UniServ directors with favorable feedback. She thanked me for putting in place a policy for the division that made it clearer to employees what expected behavior was."[14]

In response, Christy Sullivan, the UniServ director for the LEA, emailed Ziegler on September 24, 2020. See Exhibit K. She stated the following:

"I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed policy 7560 ahead of time. LEA has always received all proposed [p]olicies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You Jeff Morse, and I even had an email conversation about making sure that happened. Kelly was at the virtual SB HRTD meeting: the Policy was not discussed prior to public comments. You and I ***briefly*** *talked about the policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.*

*****

"The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech."

Based on the response of the LEA, not only did then-Assistant Superintendent Ziegler mislead school board member Denise Corbo, but he also knowingly misrepresented facts to the public about a proposed code of conduct that was a blatant violation of LCPS employees' Constitutional rights.

While that policy was eventually pulled, Superintendent Ziegler later did exactly what was feared from this policy when LCPS suspended teacher Tanner Cross for exercising his First Amendment rights, off-campus, on a matter of public concern.

[14] Publicly accessible video of September 22, 2020 school board meeting: https://vimeo.com/460575112

Superintendent Scott Ziegler Should Be Removed as Superintendent of Loudoun County Public Schools

Chapter 390, Section 10 of the Administrative Code of the Commonwealth of Virginia details the qualifications required for division superintendents. Under "Personal qualities," it states that "[e]ligibility shall be limited to individuals whose records attest to good character and demonstrated ability as an educational administrator."

Further, as set forth in the Virginia Department of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents," a division superintendent is to be evaluated on several criteria, including (1) Communication and Community Relations, and (2) Professionalism. See Exhibit L, at 45-47.

As part of an evaluation of a superintendent's "Communication and Community Relations," sample performance indicators include the following: "[promoting] a climate of trust and teamwork within the division," "models professionally appropriate communication skills, interpersonal relations, and conflict resolution," "establishes, maintains, and evaluates a planned two-way system of communication with community constituencies," "is politically astute and demonstrates the skills necessary to build community support to division goals and priorities," "uses acceptable written and oral language," and "treats people with respect."

Similarly, as part of an evaluation of a superintendent's "Professionalism," division superintendents "models professional, moral, and ethical standards as well as personal integrity in all interactions," "relates to board members, staff, and others in an ethical and professional manner," "serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels," "resolves concerns and problems in an appropriate manner," "respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates," and "works in a collegial and collaborative manner with *** the community to promote and support the mission and goals of the school division."

At every turn, Superintendent Scott Ziegler has demonstrated a complete and utter failure to adhere to his moral, ethical, and professional obligations as a division superintendent. He has created a climate of distrust at Loudoun County Public Schools with his repeated misrepresentations and false statements. His actions have engendered conflicts rather than resolved them. Superintendent Ziegler shows no sensitivity for his constituency, has lost the support and trust of the Loudoun community, and continues to disrespect that community with unethical and misleading spin and rhetoric. This is not the conduct of a leader who exemplifies the professional and personal integrity required to oversee the education of more than 81,000 children.

While there are likely more examples of this than the incidents cited in this letter, on major issues of public concern to the community, Superintendent Ziegler's dishonest actions have

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significantly contributed to the credibility gap that plagues Loudoun County Public Schools and has made a once great school system a national punch line.

I therefore request that, pursuant to your powers under the laws and regulations of the Commonwealth of Virginia, you recommend the removal Scott Ziegler as Superintendent of Loudoun County Public Schools.

Thank you for your consideration.

Sincerely,

Ian Prior

Ian Prior
Executive Director of Fight for Schools

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EXHIBIT A

AMERICAN OVERSIGHT

From: Scott Ziegler
To: School Board Confidential
Cc: Ashley Ellis; Timothy Flynn; Kevin Lewis; Joan Sahlgren
Subject: CONFIDENTIAL School Incident
Date: Friday, May 28, 2021 4:09:00 PM

Good Afternoon, Board Members,

The purpose of this email is to provide you with information regarding an incident that occurred at Stone Bridge HS. This afternoon a female student alleged that a male student sexually assaulted her in the restroom. The LCSO is investigating the matter. Secondary to the assault investigation, the female student's parent responded to the school and caused a disruption by using threatening and profane language that was overheard by staff and students. Additional law enforcement units responded to the school to assist with the parent.

The school's counseling team is providing services for students who witnessed the parent's behavior. The alleged victim is being tended to by LCSO.

As LCSO is investigating both incidents, further updates may not be available.

Scott A. Ziegler, Ed.D.
Interim Superintendent of Schools
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148
Scott.Ziegler@lcps.org

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EXHIBIT B

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Gmail [redacted]

Public Records Request :: R000751-010322

1 message

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 3, 2022 at 4:26 PM
To: [redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/3/2022 and given the reference number R000751-010322 for tracking purposes.

Records Requested: -Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

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EXHIBIT C

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Gmail [redacted]

[Records Center] Public Records Request :: R000751-010322

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 10, 2022 at 4:46 PM
[redacted]

--- Please respond above this line ---

Mr. Prior,

There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals.

I also want to let you know that you currently have an outstanding charge of $72.15 that has been outstanding for over 30 days. Please be advised that a public body may require a requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing under Va. Code § 2.2-3704(I).

- Wayde B. Byard

To monitor the progress or update this request please log into the Public Records Center

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EXHIBIT D

AMERICAN OVERSIGHT

Gmail [redacted]

Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Sat, Jan 15, 2022 at 5:31 PM
[redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/15/2022 and given the reference number R000758-011522 for tracking purposes.

Records Requested: -The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

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EXHIBIT E

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Gmail [redacted]

[Records Center] Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Fri, Jan 21, 2022 at 11:27 AM
[redacted]

Powered by GovQA

Dear Ian Prior,

RE: PUBLIC RECORDS REQUEST of January 15, 2022, Reference # R000758-011522

Dear Ian Prior,

The Loudoun County Public Schools received a public information request from you on January 15, 2022. Your request mentioned:

"-The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021."

This email is to notify you that no records exist. Your request has been closed.

If you have any questions, please contact my office at . Thank you for your attention.

Sincerely,

Wayde Byard
Communications and Community Engagement

To view the full details of this request please log into the Public Records Center.

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EXHIBIT F

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B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

June 15, 2021

By electronic mail (scott.ziegler@lcps.org)

Loudoun County School Board, c/o
Scott A. Ziegler, Ed. D.,
Division Superintendent
21000 Education Court
Ashburn, VA 20148

Re: Proposal to Provide Interim Outside Division Counsel Services

Dear Dr. Ziegler:

Following up our recent telephone conversation, this letter will confirm and constitute my firm, Blankenship & Keith, PC's (the "Firm") offer and intent to provide necessary legal services to the Loudoun County School Board, and Loudoun County Public Schools (LCPS) beginning July 1, 2021, on an interim "as needed/as requested" basis as a result of the retirement of LCPS Division Counsel later this month.

As I have mentioned, my practice over the last 35 years has been devoted primarily, and now almost exclusively, to representing Virginia school boards and school divisions. I have served (and serve) as Division Counsel to several, and outside counsel to numerous others. Both from experience and from talking to Mr. DeVita, I believe I have a good idea of the Board's and the Division's legal needs, as well as the way in which Division Counsel works with the various outside counsel (most of whom I know well) whom LCPS regularly engages. At the same time, I am confident that Mr. DeVita is familiar with my experience, and I have had some opportunity to work with your Board. Nonetheless, if you would like a detailed list of references, I would be more than happy to provide them.

My Firm will provide general advice and representation to LCPS and the School Board on all routine legal matters and, if requested, attend meetings of the School Board. Examples of routine matters that would be included are rendering advice over the telephone or by email to the School Board, the Superintendent and designated members of the Superintendent's staff, as appropriate; consulting with approved staff members as necessary to provide advice; and rendering written advice in circumstances which do not require substantial amounts of research.

In addition to general, routine representation, the Firm will provide legal advice and representation on non-routine matters when requested and agreed upon. Non-routine matters include litigation, complex hearings, EEOC complaints, OCR investigations, extensive contract review and negotiation, and other specific engagements requiring a significant amount of time. We will consult with you prior to opening separate non-routine matters so that you know, in advance, and have a clear

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VA-DOE-22-0316-B-001555

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JOHN F. CAFFERKY
jcafferky@bklawva.com

understanding of what will result in supplementary legal fees. In addition, we will provide you with status updates from time to time during this engagement.

Our work under this agreement will be subject to the attached LCPS Guidelines for Outside Counsel ("Guidelines"). In the event of a conflict between this letter and the Guidelines, the Guidelines will control.

The Firm now includes a team of partners and associates who also provide legal advice, and litigation representation, to school boards and school divisions. These include, among others, Partners Bill Porter and Laurie Kirkland, who work with schools in litigation and HR matters; Jeremy Root, Giff Hampshire and Quint Robinson, who handle transactional and landuse matters; and Associates Melissa Little, Emily Haslebacher and Ian McElhaney, among others. Bios of all of them (in addition to mine) are available on our firm website.

For the sake of simplicity, we would propose to charge $300 per hour for work by partners, and $250 for Associates. This is the same rate as we charge to our regular school clients, and a significant discount from our regular rates, as well as a reduction from the rate we have been charging for occasional LCPS projects. We do reserve the right to review and revise our hourly billing rates as appropriate.

One important recommendation I have is that legal work should flow to, and from, Division Counsel via some established protocol. This prevents both left hand/right hand-type misunderstandings, as well as over-use of legal resources. Typically, I recommend that on the Board, the Chair and/or Vice-Chair have the ability to seek advice on behalf of the Board, and that other individual Board members go through the Board leadership do to so. On the Division side, typically I would communicate with the Superintendent and leadership team-level administrators, as well as those other school administrators or staff whom they in turn identify.

We bill on a monthly basis so it will be possible for you to monitor the work and the resulting fees on a regular basis. These bills will be sent to the Superintendent's office with a copy to the Director of Procurement's office. I or my designee will review all monthly invoices to see that they are appropriate, and you should feel free to discuss with the Firm any questions concerning any invoice. These bills will include charges for courier/delivery, postage, and court reporter costs as well as any additional sums that we advance on your behalf in relation to a case or matter. Our bills are due upon presentation, and though we have not found it necessary to do so, we reserve the right to charge interest at 6% per annum on any amounts that remain unpaid for more than 30 days.

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VA-DOE-22-0316-B-001556

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It is essential to our representation of you that you cooperate with us fully and provide us all the information we need to assist the Board and Division. I encourage clients to keep detailed notes of questions that may arise and of any new information or other important matters that come to your attention.

One additional suggestion in that regard: Some of our regular clients have found it helpful to have the attorney on-site, in order to be available for staff to be able to drop by with questions that may arise, rather than always having to email them. I would be prepared to arrange to be on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose. In that situation, I do not charge billable time for the travel, nor for time while there spent on non-LCPS matters.

Communication via email is not necessarily the most secure means of communication, though nowadays, it is widely employed. In any event, by signing this agreement, you acknowledge that we may correspond by email, notwithstanding the risk that communications may be intercepted by third parties.

If at any time you become dissatisfied with our handling of any matter, you should not hesitate to tell me immediately so we can resolve the problem and maintain a good relationship with you. LCPS may terminate our representation at any time. In the event of termination, LCPS will be responsible for payment of any fees earned or expenses incurred. Blankingship & Keith may terminate this relationship upon written notice and only as permitted or required by laws and regulations, or if you fail to cooperate or follow our advice on a material mater, or if there exists at any time a factor circumstance that would, in our opinion, render our continuing representation unlawful, unethical, or otherwise inappropriate. Failure to pay fees or expenses will be cause for such termination.

The Firm also agrees, upon termination, to undertake steps to the extent reasonably practicable to protect your interests, including allowing time for employment of other counsel and providing your file as required by the Virginia Rules of Professional Conduct.

The Firm will take reasonable steps to protect the confidentiality of all confidential information obtained during the course of our representation of you including after the termination of the matter. If the Firm receives a demand from any person or entity for the contents of your file, the Firm will use its best efforts to immediately notify you of such a demand so that you may take what efforts you think appropriate to resist or comply with the demand.

The Firm shall provide services as an independent professional. Under no circumstances will the Firm be considered an employee of the School Board.

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The Firm shall assume all risks for damage or injury to their property, their person, or to their employees or subcontractors as a result of or in connection with the contracted services. The Firm shall assume responsibility for damage they cause to the property of others as well as any personal or bodily injury they cause to others in connection with the agreed upon services.

The Firm shall maintain in force during the term of this engagement general liability and lawyers' professional liability insurance, with coverage of at least One Million Dollars ($1,000,000) for each occurrence, insuring itself and its agents and employees for their wrongful acts, omissions or negligence. The Firm shall provide to LCPS evidence of such insurance coverage in the form of a Certificate of Insurance.

If the terms of this engagement letter are acceptable, please sign below and return a signed copy to me.

Please call me if you have any questions regarding the terms of our proposed representation. We look forward to the prospect of working with you, LCPS and the Board.

Very truly yours

John F. Cafferky

Accepted By:

Scott A. Ziegler, Ed.D.
Division Superintendent
Loudoun County Public Schools

Signature: _____

Date: June 16, 2021

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VA-DOE-22-0316-B-001558

GUIDELINES FOR OUTSIDE COUNSEL

These guidelines provide for when and how to bill for services, describe reimbursable costs, and provide expectations for planning and budgeting for legal cases/projects reasonably anticipated to meet or exceed $10,000. Legal services may be procured by competitive negotiations for any cases/projects or other matters whose aggregate phases are expected to meet or exceed $60,000.

I. BILLING

A. Format. A separate billing statement should be submitted for each School Board case/project for which the Firm or attorney is working. If the Firm submits a single statement, itemized billable hours and disbursements for each project should be set forth in a separate section of the statement. The following information is required on each billing statement with respect to each case/project:

1. Title of the project (assigned upon retention of services by the responsible School Board staff member).

2. Name of the outside attorney in charge of the project.

3. For each date that services are rendered, a description should accompany the entry and the amount of time spent (see Paragraph B below) and be written with sufficient specificity so that the School Board staff member may understand the nature of the time spent, the specific subject matter and transaction and should include factually detailed information.

4. Entries should be listed or compartmentalized in a fashion that facilitates redaction of confidential information, if necessary.

5. Total hours billed for the period by each provider of services.

6. Billing rate for each provider of services.

7. Specific fee arrangements, if applicable.

8. Aggregate fees for the monthly billing period.

9. Itemized disbursements for the monthly billing period.

10. The Total Approved Budget for the Case/Project, if any.

11. The total amount billed on the case/project from inception through the current bill.

12. No bill should be submitted with blocked/bulk time entries. Time entries must be separated by each task performed.

B. Rates and Practices

1. Notice of any changes in rates must be provided to the School Board, in writing, before becoming effective.

2. Hourly billable rates shall be billed in six (6) minute increments as reflected by one/10th (.10) increments on a monthly bill. Quarter (.25) incremental billing or minimal fifteen (15) minute billing increments are prohibited.

3. Cases and matters should be staffed by the fewest number of attorneys and paralegals necessary to perform the work effectively and efficiently without jeopardizing quality.

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4. The School Board will not pay for the attendance of more than one attorney at meetings, depositions, interviews, hearings or other investigative and/or pre-trial matters, unless approval is obtained at last seven (7) days in advance.

5. Selection of attorneys and legal assistants to work on an assigned case/project should be identified in plans and budgets for projects anticipated to meet or exceed $10,000 and agreed to by the School Board. The School Board generally prefers not to have first- or second-year associates or summer associates assigned to its cases/projects. If it is necessary to associate with counsel outside the firm, or to retain experts to work on a project, you must advise us in advance of the need for their involvement, their billing rates and the budget for their services and obtain our approval before retaining them regardless of whether costs are reasonably anticipated to meet or exceed $10,000.

6. The School Board will not pay for the Firm's attorneys/paralegals participating in internal Firm meetings or discussions without our presence. The School Board does not pay to offset the training or supervision of associates or others. We also ask you to keep to a minimum the number of attorneys participating in telephone and office conferences with us for whom you intend to bill.

7. The School Board retains outside counsel for their expertise in the areas of law involved in a project. Therefore, we do not expect basic research, seminars, or other trainings to be part of any plan, budget, or billings. Any proposed material research memoranda should be itemized in any approved plan and budget. Research on a body of law that outside counsel should be familiar will not be allowed.

8. Duplication/repetition of effort among staff members must be avoided.

9. Attorneys and paralegals may not bill for clerical tasks.

10. The School Board will not pay to bring associates or staff up to speed on a case due to unforeseen changes in staffing by the Firm.

11. The School Board will not pay for time spent in preparing, revising, or discussing budgets or bills or answering questions about the budget or bills.

C. Frequency and Retention of Bills

1. Unless another arrangement has been agreed to in writing, bills should be submitted monthly, no later than fifteen (15) days following the last business day of the month during which services were rendered.

2. Outside counsel is required to prepare and maintain all bills and supporting documentation for seven (7) years. For audit purposes, daily time sheets maintained by attorney name, caption, date, time with a detailed description of services are to be included in the needed documentation.

II. REIMBURSEMENTS

A. Travel

1. Travel to and from meetings, depositions, hearings, trials, etc. shall not be allowed except with advance approval and shall be paid at one-half the usual hourly rate or the Firm's travel rate, whichever is lower, for in-state travel. If the Firm has no travel rate that is customarily charged to clients, then there shall be no travel rate charged to the School Board or if the customarily charged rate is lower than the formula here, then the School Board shall receive the benefit of the lower rate.

2. Travel time and expenses will be disallowed if travel distance from outside counsel's office to destination is within a ten (10) mile radius, including travel time to and from the courthouse or other destination for attending hearings or depositions or the filing of pleadings or other litigation or pre-litigation activities.

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3. Should out-of-state travel become necessary, outside counsel shall always seek pre-approval from the responsible School Board staff member. When the occasion arises, outside counsel should seek the most economical means of travel and instruct travel agents accordingly. In any event, air travel will not be reimbursed at more than coach (domestic) or business class (international) rates. Similarly, expenses for lodging and ground transportation should be as economical as reasonably feasible. Receipts are required for all travel expenses, except meals. Meals will be reimbursed at $61 per full day.

4. Outside counsel is urged to plan travel so that travel time may be used to work either on the School Board matter for which the travel is being undertaken or for other clients so as to avoid billing the School Board for unproductive time.

B. Digital Legal Research

1. Major computerized research projects should be authorized in advance. A computerized research project is considered major when the online time is expected to exceed three (3) hours. Repetitive research queries that duplicate prior research conducted in other cases on the same issue will not be allowed. However, reasonable time to update and/or modify prior research for use in a new case is acceptable, and therefore, compensable.

2. Should the need arise for outside counsel to retain an expert, other specialized service provider, or other specialized services, written pre-approval must be obtained from the responsible School Board employee at least seven (7) days in advance of retaining the expert, the service provider or specialized services.

3. Charging for the use of a "litigation support department" or other such personnel to handle eDiscovery or other electronically stored information shall be prohibited in routine matters and may be considered by the School Board only upon advanced written request from the Firm containing a stated budget estimate.

C. Other Reimbursements

1. The School Board will not reimburse for courier service or expedited mail when the urgency is a matter within outside counsel's control.

2. The School Board will reimburse the following disbursements as indicated:
   (i) Lexis/Nexis and/or Westlaw Cost
   (ii) Law firm photocopies cost, not to exceed $.05/page
   (iii) Postage/courier cost
   (iv) Office long-distance telephone and fax cost
   (v) Printing and binding cost

3. The School Board will not reimburse for the following:
   (i) Mail handling
   (ii) New File Set up
   (iii) Calendar maintenance
   (iv) Copying when digital copies could have been provided,
   (v) Faxing,
   (vi) Data Entry
   (vii) Routine Scheduling
   (viii) Enclosure or transmittal letters (attorney or clerical time)
   (ix) Secretarial overtime
   (x) First Class airfare
   (xi) Scheduling of events, i.e., depositions, hearings, etc.

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III. LEGAL PROJECT MANAGEMENT PROCEDURES

A. Plan and Budget

1. For legal projects, whether transactional or litigation, strategic plans and budgets are the primary mechanisms by which the School Board collaborates with outside counsel to promote the best legal/business result possible. This enables the School Board to most effectively manage and monitor a project, to control costs and plan internal department budgets, and to mobilize needed in-house resources. In litigation matters, it permits the School Board to evaluate potential exposure, to analyze settlement values and approaches and to develop the most effective strategies for successful dispute resolution.

2. Consequently, a plan and budget must be prepared at the inception of any case or legal project for which costs are reasonably anticipated to meet or exceed a total of $10,000. No payment for services will be authorized until a plan and budget have been submitted and approved.

3. The School Board will not pay for time spent preparing or revising project plans and budgets.

4. The budget should represent a realistic estimate of the time expected to be required, taking into consideration known facts and circumstances. The total budgeted expense should be expressed as a dollar amount, not a range, and should not factor in unforeseen contingencies. For complex projects, the plan and budget may encompass only the initial phase of a project. Subsequent phases may be planned and budgeted later.

B. Essential Components

1. The degree of detail required will vary with the complexity and projected total cost of any given assignment and should be discussed with the responsible School Board department when retained. At a minimum, a Legal Case/Project Budget must be completed and approved for each legal project meeting the criteria. The following information should be provided:

2. Name of case/project.

3. Identification of partners, associates and legal assistants who will staff the project and their billing rates.

4. A description of the legal project, itemizing the material legal services to be undertaken, the estimated hours/cost required for each and the key milestones (by date or time period, as appropriate) for completion.

5. Identification of any significant expected expenditures for experts, travel, printing, filings, exhibits, eDiscovery and the like.

6. For litigation: an evaluation (to be updated or refined as developments warrant) of probable exposure/award ranges, settlement prospects and strategies, and opportunities for alternative dispute resolution.

7. For non-litigation: preliminary identification of primary areas of legal or factual investigation or research, and/or proposed strategy.

8. In many cases, we anticipate that the plan and budget will be created following discussions among the School Board, business services representatives, Division Counsel, and outside counsel, at the inception of the project. After the School Board has received the plan and budget from the Firm, we will discuss any questions or comments we may have, and any changes required before the plan and budget are approved.

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C. Revisions of the Plan and Budget

1. The budget represents the total amount authorized to be paid for the specific legal project unless a revised budget is approved by the School Board.

2. In the event unforeseen developments signal that the budget is in danger of being exceeded, outside counsel will inform the School Board before the budget is exceeded in order to discuss the new developments, the alternative strategies available, and to agree upon a revised plan and budget for the project.

3. A revised budget must be approved before services will be authorized in excess of the original budget.

D. Reporting. Outside counsel are not required to provide written reports provided the School Board department head is kept informed of substantial developments or unless a written report is requested by the School Board department head.

E. Documentation. Outside counsel must always provide the School Board department head the following documentation in a timely manner:

1. Copies of all pleadings and amended pleadings, reports, evaluations, memoranda, legal research, legal opinions, or other substantive documents that are either prepared or received by outside counsel.

2. A copy must also be sent to Division Counsel when applicable.

F. No payment will be made for preparation of pleadings and other substantive documents when copies have not been furnished to the School Board for advance review and/or approval.

IV. DISPUTE RESOLUTION

A. Regarding any dispute with the Firm, the Firm shall first be required to seek the decision of the Division Superintendent prior to instituting any legal action in any court. All legal actions shall be brought in the Loudoun County Circuit Court. Each party will pay their own legal fees.

B. Binding arbitration is strictly prohibited.

C. Non-binding mediation may be mutually agreed upon by the parties.

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EXHIBIT G

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IN THE GENERAL DISTRICT COURT OF LOUDOUN COUNTY
----------x
COMMONWEALTH OF VIRGINIA, :
Plaintiff, : Case No.
vs. : GC 21002176-00
JON TIGGES, :
Defendant. :
----------x

Hearing
Before the Honorable IAN R.B. WILLIAMS
Leesburg, Virginia
Wednesday, September 22, 2021
9:32 a.m.

Job No.: 401256
Pages: 1 - 176
Transcribed by: Teresa R. Salazar

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Hearing held at:

LOUDOUN GENERAL DISTRICT COURT
18 East Market Street
Leesburg, Virginia 20176
(703)777-0312

Pursuant to agreement, before Brendon Cuenca, Notary Public in and for the State of Maryland.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:
BUTA BIBERAJ, ESQUIRE
LOUDOUN COUNTY ATTORNEY'S OFFICE
20 East Market Street
Leesburg, Virginia 20176
(703) 777-0242

ON BEHALF OF THE DEFENDANT:
CHRISTOPHER I. KACHOUROFF, ESQUIRE
DOMINION LAW CENTER, P.C.
13649 Office Place
Suite 101
Woodbridge, Virginia 22192
(703) 365-9900

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A P P E A R A N C E S
(Continued)

ON BEHALF OF DEFENDANT:
JOSH HETZLER, ESQUIRE
FOUNDING FREEDOMS LAW CENTER
707 East Franklin Street
Richmond, Virginia 23219
(804) 971-5509

ALSO PRESENT:
Jon Tigges, Defendant

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WITNESSES FOR THE PLAINTIFF:	Direct	Cross	Redirect	Recross
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Easton McDonald	78	104		
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P R O C E E D I N G S

MS. BIBERAJ: Good morning, Judge. Buta Biberaj for the Commonwealth.

THE COURT: Good morning, again. Got Mr. Tigges somewhere?

MR. TIGGES: I'm here, sir.

THE COURT: That's you?

MR. TIGGES: That's me.

THE COURT: Where's your lawyer?

MS. BIBERAJ: Judge, they were outside just a moment ago.

THE COURT: Okay. All right.

All right. Is it Mr. Davis? Is that right?

MR. KACHOUROFF: Mr. Tigges, Your Honor.

THE COURT: No, no, but what's your name?

MR. KACHOUROFF: Good morning, Your Honor. My name is Chris Kachouroff.

THE COURT: Nice to see you.

MR. KACHOUROFF: I'm Co-Counsel with

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Josh Hetzler --

THE COURT: All right.

MR. KACHOUROFF: -- on this matter.

THE COURT: All right. Thank you very much. And this matter comes on, on a trespassing charge. I take it there's a plea of not guilty to that charge?

MR. KACHOUROFF: You would be correct, Judge.

THE COURT: All right. Are there any preliminary matters that need to be addressed before we start the trial?

MS. BIBERAJ: Judge, there would be request to rule on witnesses. Other than that, no, sir.

THE COURT: All right. How many -- let me ask the Commonwealth, how many witnesses do you have?

MS. BIBERAJ: Judge, we have potentially six.

THE COURT: Six witnesses. How many do you have?

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MR. KACHOUROFF: At this time, I don't have any witnesses to put on.

THE COURT: Okay. All right.

MR. KACHOUROFF: I do have one housekeeping matter, though, Your Honor.

THE COURT: Okay. Let's -- let me swear the witnesses first.

MR. KACHOUROFF: Okay.

THE COURT: And then I'll take up the other housekeeping matter.

Let me ask any person here as a witness in the case of Commonwealth versus Jon Tigges to please stand, raise your right hand to be sworn at this time.

Do you and each of you swear or affirm the testimony you'll give here today will be the truth and the whole truth, under penalty of law?

THE WITNESSES: I do.

THE COURT: Thank you. And who would be your first witness? I'll let the others go out in the hall.

MS. BIBERAJ: Judge, Dr. Ziegler will

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be my first witness.
THE COURT: All right. He can stay where he is right now. The other witnesses need to go out in the hall. Do not discuss this case while you are waiting. And we will call you if and when you're needed as a witness.
THE COURT REPORTER: Your Honor, would you like to swear me in?
THE COURT: Do you swear or affirm you'll transcribe the evidence and the testimony presented here today to the best of your ability under penalty of law?
THE COURT REPORTER: I do.
THE COURT: Thank you very much.
THE COURT REPORTER: Thank you.
THE COURT: All right. And you said you had some matters you wanted the Court to address?
MR. KACHOUROFF: Yes, Your Honor. The first thing, he's been charged under 18.2-119 and for being warned for trespass at a school board assembly. I believe the correct charging statute

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should be 18.2-128, which is trespass upon school property is what this case arises out of, and so I would request that the Commonwealth either amend it or move to dismiss. I think they'll amend it.
THE COURT: I don't know. What's your response to that?
MS. BIBERAJ: Judge, if the Court would grant me one second.
Judge, we would ask the Court to amend it to 18.2-128, Subsection B.
THE COURT: 18.2-128, B as in?
MS. BIBERAJ: B as in Boy, sir.
THE COURT: Bob. Any objection to that?
MR. KACHOUROFF: No, Your Honor.
THE COURT: All right. That's done. That's amended. Any other preliminary matters that need to be addressed?
MS. BIBERAJ: Not on the part of the Commonwealth.
MR. KACHOUROFF: No, Your Honor.

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THE COURT: Okay. Would either counsel like to make an opening statement?
MS. BIBERAJ: We would, Judge, briefly.
THE COURT: If either counsel at that distance may lower your mask if you wish to communicate more efficiently.
MS. BIBERAJ: Thank you, Judge, and I may do that just when addressing the Court. Thank you for the benefit to be able to do that. Good morning.
THE COURT: Good morning.
MS. BIBERAJ: Judge, on June 22nd of 2021, in the Loudoun County Public School administration building located in Loudoun County, there was a school board meeting. Based on the incidence of that evening, it was assessed that the level of risk to the community as far as individuals becoming agitated and aggressive, the school board ended up terminating the public comment.
That was made -- the announcement was made by Dr. Ziegler, who is the agent of Loudoun

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County Public School System, directing individuals to go ahead and vacate the boardroom. That warning and that request was repeated on numerous occasions.
Mr. Jon Tigges, who we'll identify for the Court as the person in the courtroom here today --
MR. KACHOUROFF: We'll stipulate.
MS. BIBERAJ: -- ended up refusing to leave when specifically asked whether or not he was going to leave. He was then placed under arrest. Later, after some of the other incidences related to the crowd control, he was released on a summons and is here today for trial.
We would ask the Court at that point to find that he willfully refused to leave the premises as directed by the proper authorities and, therefore, is guilty of trespass upon school property. Thank you.
THE COURT: Okay. Would you like to make an opening?

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MR. KACHOUROFF: Please, Your Honor, briefly.

May it please the Court, this was a school board meeting and under Virginia law, as the Court may know, I think it's 2.2-3707, the open meeting statute, all public meetings that are designated for -- as a public forum, you're entitled to have the public there listening.

Now in this particular open meeting case, you have a school board that decides to terminate public comment, and they decide to terminate public comment because people are not showing applause this way. And I'm motioning with my hands. They call them -- I don't know if they call them glee hands or jazz hands, where that's how they show their approbation and applause to a speaker. The school board didn't like this (claps hands), so -- and I'm clapping, obviously for the court reporter's benefit.

So in this open meeting statute where you have a crowd that's present, they have a right to be there. It's a duly noticed meeting.

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The school board sets the time, place, and manner. They actually designated a portion of the public meeting for public comment. Now they decided to terminate public comment and went on recess. The public meeting wasn't over. The public had a right to be there. Indeed, one the deputies stayed for that meeting after the room was clear because he wanted to hear a point that was going to be discussed, so basically operating as a member of the public at that point.

I heard my colleague say that it was assessed that there was a risk, that there was this level of agitation and safety to the public. Well, Virginia statutes cover that, and they have codified -- the general assembly had codified a well-known statute. It's the unlawful assembly statute and that statute is probative here because, first of all, the superintendent, as you'll hear -- I know they won't deny this. They can't because it's on tape -- declares this to be an unlawful assembly.

And under the Virginia Code, in order

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for this to be an unlawful assembly, there's two things that have to occur and this is under 18.2-406. First, three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety, peace, or order, and the assembly actually intends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, etcetera, etcetera.

So there's two components, lawful or unlawful use of force or violence and likely -- and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breach to public safety, peace, or order. Then the statute declares it is an unlawful assembly.

So we have a conundrum that you'll face when you -- the issue in this case is this. Was the superintendent correct in dictating that this was an unlawful assembly? I fully expect the

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officers who I spoke with moments ago to testify that they declared of their own determination that the trespass should be declared, nothing to do with the superintendent's declaration of unlawful assembly. I suspect they know that there's not three or more persons.

There was an incident and you'll hear about that but essentially, if you look at brief chronology, and I generally hate doing chronologies because they're tedious, but generally speaking, the board doesn't like the clapping. They warned the crowd not do it again, so the crowd for the most part complies. Then Former Senator Dick Black gets up with a rousing speech and they can't help themselves and they clap. The clapping dies down.

The board determines that it is going into recess and they're terminating public comment. They didn't terminate the meeting, just public comment. So during this time, Jon Tigges stood up and said to the folks, look, we all came here to talk, so while they're in recess, why

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don't each of you say what you wanted to say, take a minute and address the crowd since nobody's in the room, and they were still waiting for the board to resume on the dais.
During that time, a squabble breaks out. Somebody in the front row, a gentleman who was already -- his case has being adjudicated in the circuit court -- a leftist protestor came up to him and said that his daughter wasn't really molested in school. He --
MS. BIBERAJ: Objection, Judge. I don't mean to interrupt, but this has nothing to do with the proceedings before the Court. It's only intended at this point to prejudice the Court for some other unrelated matter and I would object and ask Counsel to stick to the issues of June 22nd, as they relate to Mr. Tigges.
MR. KACHOUROFF: My understanding was she opened the door when she said there was a risk of -- high level risk of agitation. If she's not going to bring that up and I'll stipulate then that we -- that's irrelevant to

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the case by her proffer. I mean, that's up --
THE COURT: Well, I understand that she's saying the argument is not relevant.
MR. KACHOUROFF: Right. So I'm stipulating that that's not relevant.
THE COURT: (Indiscernible).
MR. KACHOUROFF: That makes her case more difficult to prove this unlawful assembly, so that -- I'll accept it as is, if that's what she wants.
THE COURT: Has he correctly recited your position on this?
MS. BIBERAJ: No, Judge. The point that I was making is what was the reason as to why that person that was unrelated to Mr. Tigges, as far as their interaction, was arrested and what may have happened or not happened was not before the -- is not before the Court on that issue, so what happened to Mr. Smith -- is the person that he's referring to -- is not an issue before the Court. That was the point that I was objecting to. Everything else, he's more than

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welcome to continue.
MR. KACHOUROFF: I'm merely reciting facts to you, Judge, of what's transpiring, so if she -- they're going to raise this issue, and so I'm just going to briefly go over it and you can decide -- you, as the fact-finder and experienced judge can determine whether it's relevant or not relevant.
But essentially, one of the officers comes up behind the guy. They don't -- grabs him. He says, get off me. They all tackle him. In the meantime, Mr. Tigges is at the front and he says -- tells everybody just to wait, stand down until the police do their job. So the police remove this gentleman. There was no further incident.
They continue the public speaking. It goes on for another five minutes. Everybody's being orderly. There were some people singing "The Star-Spangled Banner" or the National Anthem, if you will, and then the superintendent comes on the scene and he says that this -- he's

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declaring an unlawful assembly, at which point the sheriff's department then comes on board and says, y'all have to leave. You're being warned for trespass.
Sheriff's department is going to get up here and I expect them fully to testify in the same manner that they told me just moments ago, that they made their determination of trespass separate and independent of the unlawful assembly that was declared by the superintendent. So there's problems with that, of course. First of all, there was no unlawful assembly. Secondly, the sheriff's department doesn't have the authority to clear that room, a public meeting, unless there some reason to clear it, some reason that trumps the First Amendment, trumps the open meeting laws in Virginia.
So I would argue, Your Honor, that under the statutes that we have, 18.2-128, a trespass upon school property which is before you, Subsection A talks about people being there, that you're not allowed to be on the property,

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other than to attend a meeting or service held or conducted in such church or school property. So they were there to attend the property, and Subsection B says, it shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of any direction to vacate the property by a person authorized to give such direction.

The sheriff's department has no authorization to end the public meeting. Only the school board can. The public meeting hadn't end -- I want to just clarify that. That's what the issue is. The public comment period had ended. Based upon that, the Commonwealth cannot prove their case. It's not possible to show that there was an unlawful assembly. The school board just can't sua sponte of their own accord decide that they don't want to hear any more of the public or they don't want to face their constituents. They just can't. Their authority to terminate a meeting, well, we don't even get

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to that question because the school board never did.

When the room was cleared, they then came back and conducted the meeting and I maintain in violation of the open meeting law, but the point is that's not what's before you. What's before you is whether the sheriff had the authority independent of the superintendent to clear the room for trespass, to clear a lawful and valid public assembly that was there for a public purpose, to lawfully clear them for -- and warn them for trespass and arrest those people on the board. They did not.

Thank you, Your Honor.

THE COURT: Okay. Thank you. The Commonwealth will call its first witness.

MS. BIBERAJ: Judge, our first witness will be Dr. Ziegler, please.

THE COURT: Dr. Ziegler, come forward to the witness stand, which is up here to your right. You were sworn earlier with the other witnesses. And have a seat and you will be asked

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questions by the Commonwealth attorney first, and then the attorney for the Defendant may also have questions for you. Thank you.

THE WITNESS: Yes, sir. Thank you.

Whereupon,

DR. SCOTT ZIEGLER,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MS. BIBERAJ:

Q. Good morning, Dr. Ziegler.

A. Good morning.

Q. Dr. Ziegler, can you state your full name for His Honor, please?

A. Sure. Dr. Scott Ziegler.

Q. And I'm going to direct your attention please to June 22nd of 2020.

Were you employed on that day?

A. Yes, I was.

Q. And what was your -- the capacity of your employment?

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A. I was, on June 22nd, the interim superintendent of Loudoun County Public Schools.

Q. All right. And can you give the Court a little bit of information as to what does that mean in relationship to your position and authority with the Loudoun County Public Schools?

A. The superintendent is charged with the day-to-day operations of the school, and proposing budgets, overseeing instruction, overseeing operations. Basically, the superintendent is the CEO of the organization.

Q. Excellent. And on that particular day, could you tell the Court please around about the 6 o'clock hour, where were you?

A. I was in the boardroom.

Q. Okay. And prior to that time -- I want to just lay a little bit of the background -- was there a school board meeting already planned for on that day?

A. There was.

Q. All right. And did it come to your attention that this board meeting was going to be

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heavily attended?
A. Yes.
Q. And how did you come to learn that?
A. Intelligence provided by our security director and also shared with -- my understanding is with the Loudoun County Sheriff's office -- led us to believe that there would be a large number of people in attendance at that meeting. We also do sign-ups for public speaking and there was an unusually large number of individuals that signed up for public speaking.
Q. Do you know what the capacity is of that boardroom?
A. It is just under 700.
Q. Okay. And at some time, based on your observations from that evening, was it near capacity, at capacity, greater?
A. It was at capacity. We had -- as far as I could see -- nearly every chair was filled and there was individuals standing along the back wall. I believe the count at the door was 669 or thereabouts.

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Q. Okay. The way that the board meetings are set up, can you just please describe for the Judge as to how the room is set up, as far as the dais and the public, where they sit relative to one another.
A. The dais is a curved desk-like structure. All nine members of the school board sit behind that I sit behind that as well. One school board member was attending via videoconferencing that evening. About 10 or 12 feet in front of the -- well, about six feet, there is a podium with a computer control on it, and another six feet beyond that is the first row of the gallery. And then staff sits up on -- generally on either side but staff has tables and desks on either side of the dais.
Q. Okay. The building wherein this meeting was held, is that owned by the Loudoun County Public School System?
A. It is.
Q. And can you tell the Judge, please, where is that located?

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A. At 21,000 Education Court in Ashburn.
Q. All right. And is Ashburn in Loudoun County?
A. It is.
Q. While the meeting was taking place on the dais, there's some mention of counsel as far as what proper decorum is for those who attend those meetings.
Can you give the Court a little bit of information as to how audience is expected and directed to act when they attend such meetings?
A. It is designed to be a respectful venue, where the public -- during that portion of the meeting when the public is giving their comment, the chair often asks -- and it is posted both in the sign-ups and in the agenda -- about proper decorum for the school board. And so that means being respectful of other speakers, not doing things like booing or offering gestures to speakers with whom you agree or disagree, and basically the chair would ask for the room to be generally quiet and respectful of speakers.

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Q. Okay. And is that done so that each person who is speaking can have their time to speak and be heard?
A. That's correct, yes.
Q. On this particular evening, did something happen from the start of the meeting into the meeting that caused you to be concerned or have concerns as to the behavior that was being conducted during the meeting?
A. Yes, ma'am. One, it was a large crowd, so I was concerned about -- if there was an emergency -- about people being able to get out of the room expeditiously if we had to evacuate but there was also several instances where the crowd would get loud and disrespectful to speakers.
There was a lot of booing. There was a lot of finger-pointing. There was shouting from the gallery during several public speakers' comments either before or afterwards. I saw people that were raising fists, that were giving the finger. All of these things were occurring early in the meeting on a regular basis and got to the point

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where it was so rancorous that the board chair declared a brief recess.

Q. Okay. So now I want to go a little bit back into your personal background.

What about having seen that type of behavior caused you to be concerned, you said, for the safety of the attendees? What did you base that on? Do you have any training or experience in being able to assess incidences such as that?

A. I do, yes.

Q. Can you tell the Court, please, based on your background, what would that be?

A. From 1984 to 2003, I served as a police chaplain with the City of Virginia Beach, logged over -- well over 10,000 hours of service with the city police department during that time.

One of the main duties of a chaplain at that time was to assist with patrol during the summer months at the Virginia Beach resort area, which was particularly an area called The Block, which was often crowded, a number of bars on that street, and so we were trained to read crowds and

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to intervene when necessary. And we would also form a protective shield around police officers when they were conducting arrests and hold the crowd back at bay, while arrests were being conducted.

Q. What did you obtain in your training to be identifiers to suggest to you that risk is being challenged, that you then saw during this board hearing?

A. So we were trained to evaluate voice tone. We were trained to evaluate body language, stances, posturing, body position. All of these things were -- we were told to be on the lookout for the crowd and to de-escalate when possible but to bring in police intervention whenever needed.

Q. Okay. And you said as far as to de-escalate. What forms of de-escalation were you trained that you can employ when the situation is starting to get, in my words, hot?

A. We would try separating individuals. We would try personal interaction. As a chaplain, of course, we're there not in an enforcement role,

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but we're there to help with community relations, so often time, we would talk with individuals and try to de-escalate, try to get them to commit to a different course of action.

Q. Okay. From the consummate from the dais, what efforts were made by the chair of the school board to -- in essence to try to intervene or interact with the public to de-escalate the situation?

A. So in addition to the recess that was taken in order to, I believe, give the -- those attending time to return to a calmer state, she also gave several admonitions to maintain the decorum of the boardroom. She reminded those in attendance several times that it was the board's desire to hear all of the speakers and that, if decorum was not made -- was not maintained, that they would be unable to do that.

And then after a few warnings, when the crowd became loud, she said this is the final warning. I believe she said again that she wanted to hear all of the attendees, and then moved on.

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Q. Okay. I'm going to go back a little bit to before the hearing took place in and of itself.

Did you have the opportunity to observe outside the school entrance, like the parking lot areas?

A. I did not, not directly, no.

Q. Okay. When you say not directly, did you become aware that there were individuals who had gathered outside the school board meeting?

A. Yes, there were. There were several groups that had gathered. We had designated a public assembly area for that night and there was several groups that had assembled in that public assembly area.

Q. All right. And that was done by the choice of the school board?

A. Yes.

Q. At any point in time prior to the meeting or while the meeting was going on, before it was terminated, was that space still made available to anyone wanting to assemble publicly and make comment there?

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A. Outside? Yes, ma'am.
Q. Yes. Okay. Now I'm going to bring you back inside. You indicated once the chair made the final warning and indicated that she wished to hear from all the protestors; however, they needed to conform with the expectations of the decorum of the board.
What then happened?
A. Many speakers continued. We had 256, I believe, speakers signed up for that night. And after the recess, which lasted about ten minutes, the board returned and public comment continued. The board chair issued that final warning and, for many speakers, those in attendance complied with the board chair's wishes to maintain decorum.
As counsel pointed out that the expectation in the boardroom is to use jazz hands. There were many people expressing support for individuals by using jazz hands. There was individuals holding up signs, but for a period of time for a number of speakers, the boardroom seemed to have settled down.

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Q. Okay. You indicated at some point that the behavior expectations are in writing and on notice to the general public. You mentioned that it was on the public notice as far as the hearing.
A. Mm-hmm.
Q. Right? Is it also in any other policy or any other written mandates from the board?
A. It is. It appears on the agendas. The board chair reads it, reads the expectation before the beginning of every public comment period, and it's also in board policy.
Q. Okay. You indicated for the most part, soon after the last warning, things calmed down a bit.
Did things change after a while?
A. They did.
Q. And I'm going to ask you a question if I may. Where were you as you observed these changes?
A. I was sitting at dais.
Q. Okay. So you were actually physically in the room.

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A. Yes.
Q. Can you tell the Court by using your senses, not just what you saw but also maybe the motions and things of that nature that you saw changing within the boardroom that caused you to be concerned for safety.
A. Yes. So when -- right before the board recessed for the second time, a speaker, Mr. Black, came up to the podium. It appeared to me as if many in the room were waiting for Mr. Black's speech. I have no way to confirm that, of course, but it appeared to me that they were waiting.
As Mr. Black's time expired, the board chair muted his microphone. He did not immediately relinquish the podium. He began yelling and at that time, the crowd stood up and began cheering, began moving about the room. I saw hands and arms in the air. Of course, I was concerned because with that kind of movement, even a jubilant movement with that many people in the room, it does become a safety concern.

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Q. Okay. And in particular, you said even if it's a jubilant movement.
Would it be fair to say that there were individuals attending that meeting from a side in support of the comments that Mr. Black was making as there may be those in -- that were contrary to his position?
A. There was, yes.
Q. All right. Did you see any interaction between such individuals that you made that perception that caused you to be concerned about the safety?
A. Yes. Very early on, both groups were vocal. When a speaker would speak to a position of which they were in favor, oftentimes, especially early in the meeting, we would hear shouting, and we would see the finger being raised. We could hear cursing and chastisement, I guess, we would describe it as.
In particular, there was a comment made by a speaker on one side that mentioned something about religion. Those in the crowd did not appear to

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like that comment and became very vocal and -- in their opposition to that comment. At that point, I believe one gentleman who was sitting on the side of the room that I was on was raising his finger often and shouting, and he was asked to leave by staff. He did comply and left the boardroom because of the disruption he was causing there.

There was also, I mean, just telling people -- when one young man spoke about his personal experience, I heard the crowd tell him, we don't want you here anyway. The young man was talking about a suicide attempt or suicidal ideation, and I heard members of the crowd tell him that he wasn't wanted there. So the comments from the crowd caused me to believe that individuals may not have been in the majority that night felt unsafe.

Q. Did you have any concerns regarding the safety of any of the board members based on the responses and reaction of the attendees?

A. I did. There was several people in the

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crowd that were voicing their opinions and their actions directly toward the board members. I recall one gentleman that was sitting in the front row that, when somebody would speak and he -- I guess he agreed with their position -- he would stand up and try to take a stance -- what we would call a posturing stance, I guess, directly facing the board members and he would just stare at the individual board members for several seconds.

Q. Okay. And why did that cause you to be concerned?

A. It's an unusual thing to do, right? So the way he would jump up, kind of lean in toward the board, and just hold their gaze until they turned around or until the speaker started, I felt he was doing that in an attempt to intimidate the board.

Q. Okay. With the repeated warnings made by the chair from the dais, did there come a point in time where it appeared to you that the meeting should -- the public comment meeting should -- I'm sorry -- public comment portion of the meeting

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should be terminated?

A. Yes.

Q. Okay. And when was that?

A. That was immediately following Mr. Black's comments to the board.

Q. Okay. Now if I could ask you to bring us into that moment. I know you spoke a little bit about how some people maybe felt -- it appeared like they were waiting for him to have spoken and there was a response to that.

From where you were situated in that meeting, and if you were to look across the attendees, tell the Court, please, what did you see that caused you to now be concerned at a heightened level.

A. Just it appeared -- since it appeared to me that they were waiting for that moment, at that point, it just seemed like they were not going to come back under the decorum of the boardroom. So they began shouting. I did notice members of the gallery who did not agree with Mr. Black's position.

When the crowd jumped up, several gallery

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members left. I saw several parents with children take their children out of the boardroom, so it just seemed like those who felt unsafe were trying to rush out and those who interested in disrupting the meeting just seemed to escalate and stay there.

Q. You also indicated that now there was also some movement within the boardroom. Is that consistent or inconsistent with prior behaviors within a board hearing?

A. Very inconsistent.

Q. Okay.

A. And this was -- 30 years in education, this was the first board meeting I've seen with this level of disruption.

Q. All right. And when you're having that mobility also take place, what does that do to your sense of assessment as far as safety within the boardroom?

A. So it's heightened for me because I have -- as in charge of operations of the school division, it worries me for the safety of those in

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attendance, right, because we have to be have to be able to evacuate the room. We have to be able to deal with emergencies. We have to keep the aisles clear.

These are all things that are expected in a public venue, no matter if you go to a football game or you come to a board meeting, these kind of things are safety-related no matter where you go, whatever kind of meeting you're attending.

Q. Okay.

A. And so I was -- I became exceedingly concerned that attention would be directed to either speakers who had previously spoken or people who were holding signs that were not in the majority opinion of the room. I became concerned for their safety, that if decorum is not resumed, that attention may turn to those individuals.

Q. All right. What, if any, action did you take relative to that assessment?

A. I'm sorry?

Q. What action, if any, did you take relative to that assessment, when you started

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noticing that things -- as you said, you became exceedingly concerned?

A. So at that time -- at the same time shortly after Mr. Black finished his comments and the boardroom erupted, the vice chairman motioned to move the agenda and suspend or end the public comment. The chair called for a vote, and that vote passed unanimously, nine to zero, to move the agenda.

Q. Okay. Then what happened?

A. Then the crowd directed their attention to the board. They began -- there was some booing and jeering. There was shouting of things like you suck and F you, things like that. There was a lot of pointing and gesturing toward the board, middle fingers raised.

And then probably within 15 seconds of the motion being passed, the board evacuated the room and security, both school security officers and members of the Loudoun County Sheriff's office came to the front of the room, along with other administrative staff of the school division.

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Q. Okay. From the dais, was there any statement made that since the public comment had been terminated, that people needed to leave?

A. There was after some time. The board evacuated to the back room. Initially, I left the room with the board members, and then probably after about five or ten minutes, I returned to the boardroom.

Q. All right. And upon your return, what did you then see regarding the attendees within the room?

A. I saw that they were kind of clustered around the center of the room. Well, there were many clustered around the center of the room, the center, front of the room. There was others kind of milling about. There was people standing on chairs. Chairs had been moved and were in a disarray. People were still shouting at one another.

There was a lot of press there, so some people were shouting toward the press. Some people were just shouting -- just in general, back

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toward the school board. Somebody had brought in a voice amplification device at some point, and there was individuals, I guess, trying to organize their own version of public comment.

Q. Okay. What does this observation do to you as far as your assessment regarding the safety of the attendees?

A. So at that point, it became clear to me that we were not going to be able to restore order in the room, that these individuals were going to continue standing on chairs, that they were going to voice opposition to things that were on the agenda that night, but also that it wasn't going to be safe in the room for those who disagreed with their opinion. Basically, individuals had taken over the boardroom and it was very reminiscent to me of January 6th.

Q. Okay. As you're observing this, what do you then do?

A. So I conferred with Loudoun County Sheriff's office. Major McDonald was the senior officer on the scene. We talked about whether the

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room needed to be cleared. He agreed that it needed to be cleared but asked for him to be able to get additional law enforcement elements on site, so we waited approximately 20 minutes and then I, from the dais, after conferring with Major McDonald made an announcement to clear the boardroom.

Q. Okay. So now let's talk about that 20 minutes while you were waiting.

Did things start to calm down?

A. Not at all, no.

Q. Okay. How would you describe that 20-minute block as to what impact it made to your decision to ultimately announce that the boardroom was going to be closed?

A. So it appeared chaotic to me. People were standing on chairs. The voice amplification device made it impossible for us to communicate with those who were still in attendance. People were still trying to get out. Others were trying to come in. Chairs were disarrayed all across the boardroom, so to me, it was just chaotic. That's

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really the best word to describe it.

Q. Okay. At the point that you choose to make an announcement, what announcement do you make?

A. I said that it was -- I declared that it was unlawful assembly and I warned those in attendance that if they refused to vacate the room, they may be arrested for trespassing.

Q. Okay. So now let's talk about your terminology of unlawful assembly.

Was that a legal determination you were making?

A. It was not.

Q. Okay. And the point that you wanted to communicate to the attendees was what relative to that statement?

A. The point that I was trying to get across was it was time to leave the boardroom and that if you refuse to leave the boardroom, you may be subject to charges of trespassing.

Q. Okay. How did you communicate that because you indicated that the room was pretty

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loud and it was hard to hear. How did you communicate that so that it could be heard by those in attendance?

A. I used a dais microphone.

Q. Okay. And in response or after you made that statement, what, if any, action did you see being taken by the attendees?

A. A few, very few, moved toward the exits. The sheriff's office came in from a rear door in the auditorium to the left and they began taking individuals -- asking individuals who were on the periphery of the main group to leave the boardroom. Some complied. Some directly argued with the deputies who were in attendance.

Q. Did you hear additional requests made for people to leave?

A. Yes. I made the request at least four times.

Q. Okay. On that particular evening on June 22nd of 2021, did you have the occasion to see Mr. Jon Tigges?

A. I did.

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Q. All right. Do you see him the courtroom today?

A. I do.

Q. Can you please --

MR. KACHOUROFF: I stipulate this is Jon Tigges.

MS. BIBERAJ: Thank you.

Q. Can you please identify him for His Honor? Are you able to identify him with an item of clothing or some identification, please?

MR. KACHOUROFF: I just stipulated, Judge, this is Jon Tigges.

MS. BIBERAJ: And I would appreciate if they allowed me to try my case but thank you.

MR. KACHOUROFF: (Indiscernible).

Q. Can you do that, please?

A. The gentleman sitting in the middle of the defense table.

THE COURT: All right. That's noted. He's pointing to the Defendant at counsel table. Counsel for the Defendant has also stipulated that that's who it is.

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Q. On that particular day, as he's dressed here today, he wasn't dressed the same way that day, was he?

A. I believe he had on jeans and a t-shirt but I don't recall.

Q. Okay. And can you tell the Court, please, what observations did you make of his behavior on June 22nd?

A. I recall Mr. Tigges was sit in the -- seated in the front row, kind of toward the center of the room. Mr. Tigges was a participant in the meeting. His behavior was not notable until after the order to leave the room and the trespass order was granted -- or the trespass warning was granted.

Q. How did his behavior change that he then became of note to you?

A. He became very agitated. He was one of the -- I don't know if he brought in the voice amplification device, but he was one of the individuals that seemed to have control of the voice amplification device to me.

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He was very loudly stating that he had a right to be there, that he was -- that those assembled had a right to address the board and to say what they had to say, and that he wasn't going to leave until he had his chance to say what he needed to say, or something along that line.

Q. At any point in time, did you have direct contact with him?

A. I did not.

Q. So you're seeing this from a distance.

A. I did, yes.

Q. What, then, do you see of Mr. Tigges?

A. So as the room was cleared and the crowd became less and less, those remaining were centered around Mr. Tigges -- I'm sorry -- Tigges -- I'll try to pronounce it correctly -- around Mr. Tigges.

And as the deputies began to concentrate their effort on that center group that had the most individuals remaining, Mr. Tigges began to directly challenge the deputies who were approaching him. The only interaction that we would have had and it was indirect is at one point, I recall Mr. Tigges saying something to deputies, are you going to side with the people are going to side with that thing, and he pointed at me at the dais with kind of an aggressive gesture.

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Q. Okay. Then what is the next thing you saw or heard?

A. There was probably four deputies that were around Mr. Tigges. The deputies took control of the voice amplification device. Mr. Tigges was blocking deputies from coming into his space. At one point, I observed a police deputy sergeant ask Mr. Tigges if he was going to leave the premises. Mr. Tigges loudly said he was not going to leave, and the sergeant ordered the deputies to place Mr. Tigges under arrest.

Q. Okay. At any point of time thereafter, did you see Mr. Tigges?

A. I did not.

Q. Once he was -- prior to his being removed, was there any other incident that

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occurred in the boardroom that was a -- of concern regarding safety to you?

A. There was two. There was a scuffle, a fight, that broke out that I did not observe but my security personnel brought that word of that fight back to me that an individual had been arrested.

MR. KACHOUROFF: Your Honor, I would object. This is hearsay.

THE COURT: I think he can testify that he received notice of that, but the particulars would not be admitted into evidence.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Okay.

A. It was also brought to my attention that during the chaotic time of the -- when the board was in recess, that a woman was attempting to exit and became hurt on her attempt to exit, and that she required medical care which was delivered by EMS.

Q. Okay. Now while you were in the room, did you see another incident where law enforcement

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had to arrest somebody for their refusal to leave?
A. I did not.
Q. Okay. Dr. Ziegler, I have no further questions at this moment, if you wouldn't mind answering any questions that Counsel may have. Thank you.
A. Sure.
THE COURT: Cross-examination?
MR. KACHOUROFF: Thank you, Your Honor.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Good morning, Dr. Ziegler.
A. Good morning.
Q. So this reminded you of January the 6th?
A. It did, yes.
Q. Were there people that were burning chairs inside the room?
A. No, but there were people who were moving chairs, aggressively, yeah.
Q. Okay. So you didn't see anybody -- like they were in Portland, burning chairs inside of a boardroom.

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A. In Portland?
Q. Portland, Oregon.
A. Yes, I'm aware of where Portland is. I'm not sure what that has to do with January 6th, but, no, I didn't see anybody burning chairs.
Q. Where the -- what you observed, you described great chaos.
A. Yes.
Q. It was a great chaos like the Antifa riots we've all seen on TV, where they burned down buildings. They barricaded courthouses, or was this a crowd that was showing applause to the speakers they supported?
A. They were showing applause to the speakers they supported, but they were also showing aggression and animosity towards speakers that they did not support.
Q. On that note, you mentioned about somebody had mentioned something about Christians and that the crowd booed her.
Would you agree, sir, that the woman said that all these fake Christians who don't believe in Jesus, such hatred-filled in the room, was that woman talking about the policy or was she directing that towards the crowd?
A. She was likely directing that toward the crowd.
Q. And did the chair do anything to stop her?
A. The chair -- I don't know if she addressed that individual directly. She called a recess during that individual's comments.
Q. And after the recess was over, did she not say, Kelly, referring to the individual, you can resume your speech and added 40 seconds to her time?
A. She did.
Q. And did that person not then repeat, as I was saying before, she said -- did she not repeat that her comment that that room was filled with hate?
A. I believe she did but I didn't review her comments (indiscernible).
Q. And she was only the third speaker,

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wasn't she?
A. She was toward the beginning. I wasn't counting but toward the beginning.
Q. And so at that point, the crowd -- when the second time that she spoke, the crowd quieted down. Is that fair to say?
A. I honestly don't recall.
Q. Because the crowd wanted to -- there were people, members of the public, wanted to speak and they didn't want the dais to shut everything down. Is that correct?
A. That's correct, yes.
Q. Now, you talked about proper decorum. There's nowhere in school board policy that says you have to use these jazz hands thingamajiggers. I mean, you can just go ahead and clap. There's nothing in the board policy that says that you can't clap.
A. No, there's not.
Q. And so, yet, the dais decided that it didn't like the clapping. Is that right?
A. I wouldn't know what the dais

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particularly was objecting to. They were objecting, I guess, to the noise level. The clapping, and the shouting, I think would be included in that, not just the clapping.

Q. And you mentioned you saw people standing and it had you concerned.

Did the board not say to use your hands, stand up and show signs to show you -- and not clap? Isn't that something they admonished the crowd?

A. I don't know if they -- if she said stand up. She definitely said use your jazz hands is what it's referred to in the boardroom.

Q. In fact, she said, use signs. Hold your signs up.

A. Mm-hmm.

Q. And you don't recall her saying stand.

A. I don't, no.

Q. So the best evidence of that would probably be the video that we have of the entire incident. Is that correct?

MS. BIBERAJ: Objection, Your Honor.

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That would be for the Court to determine, what best evidence is here.

THE COURT: That's sustained.

Q. Yeah. You would agree that a video of the event would be -- it could show the entire event accurately and truthfully. You agree that that video would be the best depiction of what happened at that -- on that night.

A. Yes.

Q. And you said that you were a police chaplain --

A. Yes.

Q. -- in Virginia Beach for 20 years.

A. For eight.

Q. Eight years.

A. Yes, '94 to 2003.

Q. Oh, '94. I thought you said '84 to 2003. Okay.

A. I'm not quite that old, Counsel.

Q. So were you sworn law enforcement?

A. No.

Q. And what -- was that your main job?

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That was what you were supposed to do?

A. No, that was a volunteer position.

Q. A volunteer position. And so as a volunteer, they had you out in crowd control?

A. They did. From '94 to 2008, we received full weapons training and full defensive tactics training. Until '96 or '97, we carried weapons.

Q. And so you said -- so you were -- you'd gone to the police academy?

A. No, we had a designated academy for chaplains.

Q. Okay. You were analogizing the crowd that was there that night to the crowds that come from bars where people had been drinking on the strip in Virginia Beach.

A. Yes.

Q. And so as far as you know, there was no liquor being served at this meeting.

A. There was not.

Q. You say you were trained to read crowds.

A. Yes.

Q. What kind of training do you have to

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read crowds?

A. Again, I would point to my police chaplain training that goes back to the early 90s. So you're trained to look at a crowd and to try and ascertain what's going to happen next, to try to predict what's going to happen next.

Q. So do they tell you that when you see a an individual furrowing his brow at you, that that's a danger sign?

A. That would be considered a sign of -- or could be considered a sign of aggression. You would certainly pay additional attention to somebody whose body language was posturing towards you.

Q. And you needed to be taught that to know what that meant?

A. I mean, no, I would know it instinctually but you asked specifically what my training was.

Q. As part of your training, you talked about de-escalation, that you try to talk to individuals to try to de-escalate. Fair enough?

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A. Fair enough, yes.
Q. At no time did you ever announce from the dais or by the microphone which you had control of, your voice amplification device on the board -- at no time did you ever tell the crowd to -- listen, I'm going to declare an unlawful assembly. I'm going to warn you for trespass if you don't settle down.
A. The warning was the trespass notice, yes.
Q. So you did not at any time tell them to settle down or you were going to have to clear the room for trespassing.
A. No, the chair was -- had done that several times.
Q. I'm not asking about the chair. I'm asking about you.
A. No, I did not. I said no. Yeah. No, I did not.
Q. So you did not use your training to de-escalate that situation?
A. I did not try to de-escalate that

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situation, no.
Q. You claimed that there was a public assembly area outside, a public comment area.
A. A public assembly area, not a public comment area.
Q. So what was the public supposed to do outside?
A. That was a place for them to gather --
Q. To do what?
A. -- designated for protests, designated to gather, I mean.
Q. And you didn't announce that from the dais microphone, that there was a public comment outside that they could -- or a public area where they could assemble outside, did you?
A. No.
Q. That wasn't something the board had planned in advance and had noticed for the meeting, had it?
A. We designate -- whenever we anticipate a large crowd, we designate an area of the parking lot as the public assembly area.

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Q. You were talking about the school board policy for decorum, right?
A. Yes.
Q. And decorum is contained in School Board Policy 2050, is it not?
A. That's correct.
Q. And 2050 doesn't mention anything about applause.
A. It does not.
Q. You said you were concerned for the safety of the board.
A. Yes.
Q. And you were concerned about voicing opinions towards the board meeting -- the board members, rather.
A. That's correct.
Q. You understand that this is a political meeting, right?
A. Yes.
Q. And that the crowd that is there are constituents of the board.
A. Yes.

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Q. The board is elected.
A. Yes.
Q. These are elected officials.
A. Yes.
Q. You claim that immediately following Mr. Black's discussion, that the board erupted.
It erupted with applause or it didn't erupt with violence, did it?
A. Applause, and cheering, and as I said, standing up.
Q. And at some point, the applause and cheering ends, correct?
A. Yes.
Q. And the board then at that point decides that it's going to now terminate public comment.
A. That's correct.
Q. At that -- when they terminated public comment, it was audible for the room to hear.
A. Yes.
Q. Because nobody was applauding or clapping at that point.
A. Not at that point, no.

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Q. They were listening to what the board had to say.
A. Yes.
Q. So you left the room with the board members. For about five minutes, you were with the board members.
A. Yes.
Q. Did they tell you to declare an unlawful assembly?
A. They did not.
Q. What did they tell you?
A. They didn't tell me anything. They asked what was going on out in the room and they were conversing amongst themselves.
Q. And what did you tell them about what was going on in the room?
A. I told them that it seemed to be out of control, that people were -- as I described earlier.
Q. There was nobody jumping all over the dais, and when I say the dais, that's the bench where all the board members were, right?

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A. That's correct.
Q. There was no member of the public sitting in the chair, spitting on their chairs.
A. No.
Q. So you gave -- you conferred with the Loudoun County Sheriff's office and you told them that the room needed to be cleared.
A. No. I asked them, do we need to clear the room? We had a conversation and I didn't say the room needed to be cleared. I'm not in a position to direct the actions of the sheriff's office.
Q. So you --
A. We had a conversation.
Q. Let me understand this. You declare an unlawful assembly and you don't tell the sheriff's office to clear the room.
A. I conferred with members of the sheriff's office before I made that announcement.
Q. Did you order them to clear the room?
A. Order who?
Q. The sheriff's office.

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A. I did not.
Q. Did you ask them to clear the room?
A. In cooperation, the sheriff's office and I had a conversation with the ranking member of the department that was there and we had a conversation, is it time to clear the room? We agreed it was time to clear the room, and Major McDonald gave me the go-ahead to make the announcement.
Q. So the sheriff's office was directing you to make the announcement?
A. Again, we made it cooperatively after assessing the situation.
Q. So you said go ahead and clear the room?
A. I'm sorry?
Q. You said to go ahead and clear the room?
A. No. Major McDonald said go ahead and make the announcement.
Q. You're a superintendent of a public school system, are you not?
A. I am.
Q. And as the interim superintendent of the

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public school system, you've got school resource officers, police officers that are on campus, do you not?
A. There are resource officers on campus, but they're members of the Loudoun County Sheriff's office.
Q. Right. And so they are there to restore order when they see crimes occurring.
A. That's correct.
Q. And you believe that there was trespass going on in this room when you decided to clear it. You decided they -- people didn't have a right to be there anymore.
A. That's correct.
Q. The board didn't do that. You did.
A. That's correct.
Q. You said that the unlawful assembly was not a legal determination.
A. That's correct.
Q. Did you do that when you talked to the Commonwealth's attorney? Did you talk about that issue?

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A. No. Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of the trial, that my words were incorrect. They were given in the heat of the moment in a desire to clear the room and keep the public safe.

Q. And you said that there was a bunch of people in there.

They were also giving their own form of public comment, right?

A. Some of them were, yes.

Q. With a voice amplification device, correct?

A. Correct.

Q. And the reason they were using their own voice amplification device -- we'll call it a microphone -- is that y'all had shut off the microphones at the podiums.

A. We did.

Q. And you at that time didn't want to hear any more public comment.

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A. I'm not in charge of public comment, sir.

Q. But you're in charge of apparently the board meeting, right, whether it continues or whether it's open to the public?

A. I'm in charge with the operations of the school building administration and with the school administration building, yes.

Q. That's a school boardroom.

A. Yes, it is.

Q. You don't have authority to clear out the school board, do you?

A. I believe I do, yes.

Q. So you --

A. Oh, I'm sorry, the school board or the school boardroom? No, I don't have the authority to direct the school board.

Q. Because in a school board meeting, they're in charge, aren't they?

A. That's correct.

Q. I'm going -- and finally, let's just talk about -- you said a majority of the crowd

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left when you gave the announcement.

A. I don't believe I said a majority. I believe I said some members of the crowd left.

Q. Well, out of 669 people that tabbed into that room, that was -- I think that was your number that you gave.

A. Yes.

Q. Tell me, about how many of the people remained?

A. After the order was given, I would say above 300 initially.

Q. So a significant portion left the room initially.

A. Yes.

Q. And then after that initial portion, how many more people left the room?

A. They trickled out gradually as the sheriff's department made rounds around the room and asked people to leave.

Q. And so people were compliant.

A. Some were compliant and some were argumentative.

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Q. You said you have 30 years in education. What is your 30 years in education, doing what?

A. I spent 17 years as a classroom teacher, several years as a school-based administrator, several years as an investigator for the department of human resources, and then a chief human resources officer in two divisions, and now I'm superintendent.

Q. Does the school board have an entire complete copy of the video unredacted?

A. They have an entire and complete copy of the video while the session was in session. There was no recording during the recess.

Q. And why would -- why did not -- they did not record -- why didn't they record during the recess?

A. It's normal process to go to a blank screen when the board is in recess. That happens at every meeting.

Q. So the recorder doesn't continue?

A. No.

Q. Somebody has to physically flip the

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switch to stop it from recording.
A. Yes. When the board goes into recess, the board clerk hits a button that stops the recording and puts up a screensaver type thing that says -- I mean, it's a preprinted message. It says the board is in recess and the meeting will resume shortly.
Q. If Mr. Tigges had a right to be there and to speak, you understand why he was agitated, correct?
MS. BIBERAJ: Objection, Your Honor. Calls for speculation as to why he was agitated.
MR. KACHOUROFF: He's the one who raised that. I mean, she opened the door when she asked the question. He mentioned he was agitated.
MS. BIBERAJ: No, he was asking whether or not he knows why Mr. Tigges was agitated. That calls for speculation.
MR. KACHOUROFF: I didn't ask him why. I said -- I gave him a reason why. If Mr. Tigges had a First Amendment right to speak -- you don't need to be looking at her. Look at me. If he had

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a right to speak --
THE COURT: He can look at her if he wants to. The instructions don't come from you.
MR. KACHOUROFF: Your Honor, I don't have a problem with what you're saying. I just don't want him getting cues from the attorney about how to answer a question. That's why I said that.
MS. BIBERAJ: If that allegation, Judge, is going to be made, I think counsel should have facts as to what cues I am giving. My objection will go back to the what the issue is before Your Honor.
The objection is that he asked the witness, Dr. Ziegler as to whether or not Mr. Tigges had a right to be agitated. That calls for speculation. He can't speak to the mind or mindset of Mr. Tigges. That's my objection.
THE COURT: I think the question is argumentative, and I'm going to sustain the objection.
MR. KACHOUROFF: As to argumentative.

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THE COURT: Yeah. You asked him about the -- being agitated and essentially asked him why he was agitated.
Q. A person who has a right to speak would be agitated if they were told to leave. Fair enough?
MS. BIBERAJ: Objection. Yet, again, Judge, it asks for speculation. Somebody may have the right to speak and say, okay, fine, not -- today is not the time and then respectfully walk out. He can't speak to what anybody's perception or their response --
THE COURT: (Inaudible) she's right about that. You can argue --
MR. KACHOUROFF: Yeah. And, Judge, it's --
THE COURT: -- someone who's -- thinks they have a right to be there may be agitated they're asked to leave, but I don't know that he can answer for everybody who was there, whether they were agitated or not, including Mr. Tigges.
MR. KACHOUROFF: And I apologize for

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this, Judge, but, again, I didn't open this door. This was -- all of her questioning was about agitation. He mentioned it numerous times, so I think it's fair game on cross. If he -- the Court doesn't, I respect that.
THE COURT: Okay. Well, you've got my ruling. My ruling is --
MR. KACHOUROFF: Thank you, Your Honor.
THE COURT: -- that it's sustained. The objection is sustained.
MR. KACHOUROFF: I have nothing further.
THE COURT: Thank you. Redirect?
MS. BIBERAJ: I have no redirect of this witness. Thank you, Doctor.
THE COURT: All right. You may step down. Is this witness being deferred or do you want the witness to wait out in the hall?
MS. BIBERAJ: Judge, I believe there is rule on witnesses, so, yes, please.
THE COURT: All right. You need to go outside. Do not discuss this case outside of the courtroom. Do not discuss this case while you're

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waiting. You may be recalled as a witness.
THE WITNESS: Yes, sir.
THE COURT: Thank you. Next witness for the Commonwealth?
MS. BIBERAJ: We would ask for Major McDonald.
THE COURT: Major McDonald?
THE COURT OFFICER: Yes, sir.
MS. BIBERAJ: Thank you.
THE COURT: Major McDonald, come forward to the witness stand. You were sworn earlier with the other witnesses. You've been called as a witness for the Commonwealth who will question you first, and then the attorney for the Defendant may also question you. Thank you.
THE WITNESS: Thank you, Your Honor.
Whereupon,
EASTON L. MCDONALD,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
EXAMINATION BY COUNSEL FOR THE PLAINTIFF

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BY MS. BIBERAJ:
Q. Good morning.
A. Good morning.
Q. Major McDonald, can you please introduce yourself to His Honor?
A. I am Major McDonald, Easton McDonald, with the sheriff's office for 20 years.
Q. I'm going to ask you some questions relative to the June 22, 2021, incident at Loudoun County Public Schools. Before I get there, I just want to ask you some background questions, please.
A. Sure.
Q. Can you let the Judge know how long have you been in law enforcement?
A. I've been in law enforcement 24 years, the last 20 with Loudoun County. I oversee the school resource officers and the traffic section. I've trained at the academy, community policing. I have worked patrol, midnights, just about every section in the agency. And before that, I worked corrections.
Q. Okay. Within each of those

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responsibilities and I'm going to name three specifically, corrections --
A. Yeah.
Q. -- and that's over at the jail, right?
A. That is correct. I didn't work for Loudoun. I worked for Arlington County Sheriff's office.
Q. Okay. And then as far as when you were talking about, like, street patrol, and then with the school resource officers. Do each of those have additional training regarding crowd control and assessment for safety in the community?
A. Yes.
Q. Okay. Can you tell the Court, please, and if you want to specify in each of those responsibilities where you may have learned this, you're welcome to, otherwise, I'm asking a global question. In assessing crowd control or safety within the community, what are some of the things that you look for?
A. So if you're looking as far as crowd control is concerned, you want to be able to

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communicate with the individuals that are there, why a person is there, access to doors, emergency access, medical emergencies, if I need to clear a room quickly, which is there enough exits for them to get in and out, things of that nature, how many children are in the room, different things like that. If it's in regards to the community, it can deal with all kinds of things from assessments of security to homes, shrubs, bushes, lighting, etcetera.
Q. Okay. And that's on a physical assessment, right?
A. Yeah.
Q. When you add the human component, what do you then look for to see how that might change or impact your decision as to whether this is a safety concern?
A. Safety issues, body language. People with balled fists, not following rules, maybe if everyone is sitting down and someone is standing, maybe if someone is moving closer to a particular person, just the -- not willing to listen to you

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or not hearing a conversation, voice, tone, things of that nature.

Q. Okay. Now we're going to go to the June 22nd incident. You were -- were you there -- I'm sorry.

What time of day were you at -- over by the Loudoun County Public School building?

A. I probably got there as early as -- if it started before -- I want to say it might have start -- well, I don't remember the time exactly that the meeting started, but I was there probably about two hours before the meeting started.

Q. Okay. And when you were there before, did you come in through the general parking lot?

A. Through the which parking lot?

Q. General parking lot.

A. Oh, yeah, yeah.

Q. The public parking.

A. I parked in the rear of the building, came through the general parking lot, and then parked in the rear of the building.

Q. Okay. As you're walking into the

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building, did you see any assembling of individuals out in the parking lot?

A. Yeah. There were people assembled outside.

Q. Can you tell the Court, please, at your initial observations about two hours before the meeting, about what the crowds looked like in number?

A. So out of all the school board meetings, generally, there isn't a crowd. There isn't anybody outside generally for school board meetings, but there had been crowds building over School Policy 8040 and there was a lot of talk about -- I think it was critical race theory protestors and they was also protesting Loudoun County Public Schools' removal of a teacher and some other stuff that were taking place outside. And then there were components pro and then there were components against on both sides. Some had tents. They had banners outside of that building on that particular day, so we had expected a large number.

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Q. Okay. And with that expectation, was there any action taken on the part of the Loudoun County Sheriff's office to add any members of their law enforcement team to attend the meeting or to be on the premises?

A. Yeah. We made -- safety was the -- was a paramount issue, so we had individuals that would be in and around the crowd, and we had individuals that would be in the boardroom, but the school board has a meeting monthly and we always have deputies at the meetings. Up until that point, we had always had sworn deputies present in the room.

Q. Okay.

A. That was nothing new.

Q. Now, again, (indiscernible) as you were walking through the parking lot and you're coming in, do you see a number of people out gathered, what was the tenor of what you saw? Were you concerned at that point as to what the crowd engagement was?

A. I mean, we knew it was -- it was an

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excited -- it was like going to a big game, right, a big rivalry or -- you know it's going to be a good game or you know the crowd's excited. It was that type. People were passionate about what they were there for, pro or against, whatever the issue was. And some of them were debating and making their chants or doing their things --

Q. Okay.

A. -- to make their point.

Q. You then enter into the building?

A. Yes.

Q. At some point, the school board meeting starts.

Okay. Can you -- and were you inside the board meeting?

A. Yes.

Q. Can you tell her -- His Honor, please, what your observations were?

A. It was -- so normally at a school board meeting, you may have seven, ten, fifteen people. The room was set up for 633, and you couldn't see the chairs or if there were people -- some people

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were standing in there. That's how many people were in there.

The board meeting started. Very quickly, somebody made a comment. It was -- I don't remember the exact comment, but it was something like dripping Jesus-something comment was made by somebody. I can't remember the full statement and the crowd responded. All the people in there responded. The board -- there was a couple of outbreaks.

It was like an outbreak of the public, and then the board would have recess. Well, I don't remember exactly how many they had, but they were going to take a five-minute recess, at which point in time, they would leave the daises, go back inside, wait for everyone to settle down, and then come back out.

Q. So when they would take the recesses, did you hear them make any announcements as to why they were taking a recess?

A. Yeah. The chair would say the board would take -- be taking a recess. I don't think

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she gave a time. I think she just said a recess, and then they would go back inside. They would go into -- off the daises into a room that was on the side, and then at their liberty, they would come back.

Q. Okay. While the chair and the board members were on the daises, at any point in time, did you hear the chair caution the crowd as to the amount of noise or interruptions that were being made?

A. Yeah, she gave numerous warnings.

Q. Okay. Did you see what behaviors preceded her giving those warnings that caused you to link the two?

A. So different people would make statements, whether it was -- because they were -- it was public comment for whatever you wanted to talk about, so some people -- whatever the comment is made, the support would be loud. It would be claps. And I'm not saying loud, but you're supposed to do this silent clapping is what they're supposed to do, but that wasn't the case

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all the time. People would clap and, you know, and she would give a warning for those outbursts.

Q. Okay. And did she communicate that that was disruptive to the public comment or people being able to hear?

A. She made the statement as if the -- she made the statement about if it continued, that -- that if it continued, that she would end the meeting or the meeting would adjourn, and she like gave them a general warning.

Q. Okay. As time passed during this meeting, did you see any changes in the crowd as far as in the matters that would indicate to you that safety was becoming a concern?

A. Before the meeting was cancelled?

Q. Right. Before she ended public comment, like --

A. Oh.

Q. -- during the times that they were taking their recesses and things of that nature.

A. No, not at that time. It was just normal -- someone would speak. Someone would get

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excited and clap, but nothing that I felt was like a safety issue at that point in time.

Q. Okay. Did there come a point in time where safety did become a concern?

A. Yes.

Q. When was that, please?

A. So at one point, I believe it was -- I'm not sure and I don't want to mess his title up, but I think it was Senator Black. He spoke and at the end of his speech, the -- the audience passionately -- it was a passionate speech. They stood up. They were clapping. They were supporting what he was saying, and it was probably the most applause for anybody that night.

And at that point in time, the -- while that applause was going on, the board asked -- I distinctly remember. I think it was Reeza was asked to make a motion to end the public comment. It was seconded. They asked for a discussion. There was no discussion, and then they took a nine-zero vote to end the public comment, at which point in time, they vacated the daises.

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And I don't think the public really picked up what was going on until they kind of got up and walked away and left, at which point in time, people started yelling no, or screaming, and this, that, and the other, but we still -- that was when the alarm kind of went up that, like, the body and the language in this room has now changed. At that point, we didn't do anything.

Q. How did it start to change?

A. We allowed it to go on for about 20, 30 minutes. They were getting in groups like caucuses or different groups and different people were speaking and we just allowed that.

And then in the rear of the room, an assault on one of my officers took place, and at that point in time, that gentleman was taken into custody and removed from the room. That was the turning point where we had to reassess what was going on and the safety of all the people in that room.

MR. KACHOUROFF: Pardon me. Pardon me. Judge, I would object. We agreed at the very

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beginning that this arrest was irrelevant to the testimony, so if they're relying upon it now, I'm just -- I just want to know they've changed their position.

MS. BIBERAJ: Judge, the objection during opening was as to what the person, Mr. Smith -- what he was objecting to and what he was arguing about, not that the arrest took place. It was what his commentary was, that was the objection that Counsel was asking me to concede. That was not the -- the arrest was not the issue.

MR. KACHOUROFF: That was not my recollection, but if she's opening the door, I'm fine with it.

THE COURT: All right.

MS. BIBERAJ: We'll move on.

THE COURT: I'll allow the question. The objection's overruled.

BY MS. BIBERAJ:

Q. Major McDonald, you indicated that there was an incident where there was an arrest that took place. Between the 20 minutes that you

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allowed people to make comments and to talk and do that, you said they were collecting in different subgroups.

A. Yeah.

Q. Okay. What about the logistics of the room, the way that the chairs were, or how they had been previously set up, had any of that changed when -- once the school board members left the dais?

A. So whatever your view was, there was nothing barricading you or stopping you from bringing extra but it was chairs set up in an auditorium-style setting and once it ended, a lot of people stood up. Some people who shared the same point went to each other. Others were disputing with each other. It was just a -- like a -- free conversations that were going on in the room until the arrest was made.

At that point in time, that gentleman was placed under arrest, and then I would say approximately within two to three minutes of that, the superintendent of schools made an announcement

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to the public over the microphone that was on the daises.

Q. And what did he announce?

A. I don't remember verbatim, but he basically said that this is -- something in the nature of an unlawful assembly and that if you don't leave here, you will be arrested by the sheriff's office, something in the nature of leave or you will be arrested. He made that announcement a total of four times. On the fourth one, I signaled him to give that one again.

Q. Okay. So let's walk through each of those statements that he makes. When he's first announcing that this is an unlawful assembly, something to that effect, and I'll accept what you're doing and I'll repeat similarly that these may not be his exact words --

A. Right.

Q. -- but to the point he was making, this is an unlawful assembly and you need to leave. If you do not leave, you will be arrested. Okay.

When that first announcement was made, what

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impact, if any, did it have to the attendees within the boardroom?

A. It started to thin out. There were some people that immediately on the first -- you saw the room thin out.

Q. All right. And then for those individuals who did -- who chose not to leave, what did you observe about their behaviors?

A. So, again, with crowd management, if everybody in this room tries to go through those two doors, and then they have to go out another two doors, they have to make a right and there's a bathroom to the left. So you have to take into effect that this room can't just flow easy. You've got to make sure that the hallways outside -- the people are moving and not milling around. So what we did was we made sure that there were officers outside in the hallway, and as people exited, they were telling them, this is the exit. Please keep moving. This is the exit. And if someone wanted to use the bathroom, they weren't prevented from using the bathroom.

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So that's what initially happened on the first warning. You had people who self-volunteered to leave. They were just going to walk out.

Q. Okay. After the first announcement was made, did you make a determination or did you observe the fact that not everyone was leaving?

A. Yes, that is correct.

Q. What did you observe about their behaviors, if any, while they were inside the room?

A. Displeasure with the announcement. They didn't want to leave and so --

Q. How did you make that determination?

A. Because --

Q. Like what about your observations did you make that --

A. That people were yelling. There was all kinds of chants. There were all kinds of things being said. This is our house. We paid for this. They can't do this. They actually brought in a -- somebody brought in a PA system with a speaker and they were actually taking turns. And this is where the -- I'm going to go back. This is before the announcement. They were actually taking turns talking on the speaker to the crowd and we observed that and that wasn't a problem with us. Like I said, that was within the first 30 minutes of what was going on.

Once the decision was made and the announcement was made by the superintendent -- I think he was the superintendent. I don't think he was acting at that point. I can't remember -- but to clear the room, we continued again with a second announcement and more people began to clear out.

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Q. All right. And then for those who remained, did you see any changes in their behaviors?

A. So about the -- around the second or third announcement, we started moving into the group that was still left, telling people, please go outside. Just please go outside. You can assemble outside. You're free to assemble outside.

And then we'd get some questions, like, you know, they can't do this and, you know, but you're not there to really like answer questions, just to let people know that you can assemble outside, so we kept on doing that.

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Q. Okay. At some point, did your attention get drawn to Mr. Tigges?

A. Yes.

Q. All right. Can you tell the Court, please, for starters, do you see Mr. Tigges in the courtroom here today?

A. I do. It's the gentleman in the sling with the jacket on.

THE COURT: Okay. That's noted by stipulation and he's also pointing to him.

MS. BIBERAJ: Yeah.

Q. And on that particular day, we agree that he is dressed differently than he's dressed here today?

A. Yes, differently.

Q. Okay. On that day, did you have

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personal contact with Mr. Tigges?
A. I did.
Q. What was that, please?
A. Prior to -- while cleaning the room -- while clearing the room out and moving people, you go where the flow of the people are moving. So as the people are moving, you're just explaining to them, yes, you can go outside and as they -- they were talking and saying things back, and -- but they were moving and they would leave the room. Mr. Tigges, if I'm saying that right, was --
THE COURT: Tigges.
A. Tigges. Mr. Tigges was towards the front, kind of center, and he was saying that, no, like we're not leaving. Don't leave. He was just adamant about not leaving at that point in time, but what you do is -- he wasn't -- there were others in the room, so what you would do is those comply, you escort those and help them to leave, and then you will deal with those individuals that do not comply and are left eventually at the end.
Q. Okay. So now as you're coming into

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contact with Mr. Tigges and you're hearing him say, no, we don't have to leave and you indicated he was also encouraging others, don't leave?
A. Yeah.
Q. How did those people respond? Did they comply with his demands or how did that work out?
A. At one point, there was a lady who was carrying a baby and she got on the microphone and she basically told the crowd, like, don't -- like, I think she was kind of basically saying, don't act up. That's what they want us to do -- or take this outside. So she gave the mike -- another guy came in, grabbed that microphone and that portable speaker. They left, and they were with that group where Mr. Tigges was.
Q. Mm-hmm.
A. They exited and he remained.
A. Okay. Then at some point, did he have -- did he make any statements to you directly in regards as to what the expectation is for him to leave?
A. So by the time when I encountered him, I

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-- we'd cleared out the hallway. I was outside in the hallway. When I came back inside, he was now in handcuffs. So he was always in my periphery as what we would say is -- he was vocal about not leaving and I knew he was going to be there because he was very vocal about not leaving but we were -- I went out into the hallway and escorted those people. When I came back in, he was in handcuffs.
Q. Okay. So then let's go back to the time as you were leaving the boardroom and heading outside. You said he was vocal about not leaving.
A. Yeah.
Q. What was he specifically saying?
A. I can't give an exact word. He voiced numerous concerns, right, throughout the time. He was upset that he felt that he had the room to a certain time, that they didn't have the right to just like walk off, that these people have come to be heard. He was making statements of that nature, but, again, at lot of that was in my periphery and I could see that he was talking to

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other officers and they were trying to de-escalate the situation. So I focused on those individuals. There were some onlookers that were kind of watching to see what was going on with him, and I understood that, but we told them that they had to -- you know, that they had to leave the building, which they -- the majority of them did.
Q. Okay. I'm going to go back a little bit during the time that -- after the board was off of the dais --
A. Mm-hmm.
Q. -- and there's a -- was there a conversation between you and Dr. Ziegler as to coming to a decision that the time may come that people needed to leave?
A. Yeah.
Q. Can you tell us, please, what was the content and context of that conversation?
A. So it happened kind of quick. I was in the backside. Immediately after the board left, they wanted to announce this is an unlawful entry and I told them no, that we're not going to do

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that. Give them time. Let them voice their concerns, etcetera, and that's why there was a 30-minute window between the first time that myself and Dr. Ziegler had a conversation about clearing the room.

And they would have -- we would have continued that. It wasn't until the arrest, the violence. Once we saw that the safety of everybody else that was involved in that room, that is when Dr. Ziegler then gave the notice officially to tell everybody else to leave.

Q. Okay. And I apologize because I don't know if I misheard you or it was stated. You said that it was an unlawful entry.

A. I'm sorry. I apologize. I think the term he used was -- he gave his title and he said unlawful assembly.

Q. Okay. And I may have misheard you, so I apologize.

A. Yeah.

Q. I just didn't want to mess that up.

A. That is correct.

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Q. When you came back into the room and saw Mr. Tigges in handcuffs, did he make any statements regarding whether or not he was willing to leave even at that time?

A. No. In fact, what made -- I would never have encountered him, but as they were escorting him to the rear of the building -- because the plan was if you -- if anyone was arrested or we had to remove them, we were going to go out of the back -- the rear door.

He made a body motion to drop and resist, like stretch his leg out and kind of like drop his body. People do that when -- make you carry their body weight, at which point in time, I stepped to him, and I said, kind of, listen, hold on. Calm down. And he said to me something like, I have a right to be here and I have a right to listen. And I said, you do. You do, or something like to that nature. You do. You have a right to be here. And he was saying something like, see, this guy, he gets it. He gets it. And then I said to him, but the meeting is over. The daises is

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empty. There's no one here, at which point, he just started yelling, it's not over. It's not over.

And then I told him that, listen, you're -- if you look around the room, you'll see there's no one here now. It's over but I want you to talk to this guy in the green, at which point in time, that person in the green was Officer Haynes, who is one of our trained crisis intervention officers, so he's trained in de-escalation, and that's who I placed his attention to.

Q. Major McDonald, I don't have any other questions. Counsel may have some for you. Thank you very much for your time.

A. Okay.

THE COURT: Before you start your cross-examination, let me take up one matter.

(OFF THE RECORD)

(ON THE RECORD)

THE COURT: All right. Now you may proceed.

MR. KACHOUROFF: Thank you, Your Honor.

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CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT

BY MR. KACHOUROFF:

Q. All right. It's Major McDonald?

A. Yes, sir.

Q. Make sure I get the rank right.

Just a quick follow up with some of the things that you talked about --

A. Mm-hmm.

Q. -- so I understand. Is it true that -- I mean, after the crowd was cleared out, you actually stayed for the remainder of the board meeting that was occurring?

A. That is correct.

Q. You wanted to hear an issue before the board?

A. That is correct.

Q. So moments ago, you talked about the board meeting being over. You meant the public comments time was over.

A. Yeah. I thought I did state that they took a nine-zero vote to end public comment.

Q. Okay. Got it. So but during -- there

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are plenty of school board meetings where people come up and just sit in the audience and watch, right?

A. In the past, yes. That is correct.

Q. So one thing you testified to, you had no problem -- they were taking turns on the speaker giving their own public comment. And you -- and I said -- or you said, rather, they were taking turns on a speaker -- their own speaker and you had no problem at all with that but at some point, you decided to clear the room. So I want to talk about that just briefly.

The Commonwealth's attorney for Loudon County has suggested that he wasn't dressed the same way then as he is now. Was there some inappropriate dress that he should have been wearing? Was he not dressed appropriately at the board meeting? Was he was wearing bad shirts or --

A. No, he didn't have on anything that was like derogatory. Like some people wear shirts that make statements. I don't remember him wearing anything like that. He was dressed –

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Q. Nondescript.

A. Yeah, just regular dress.

Q. No offense to my client. And you heard the woman say on the speaker, don't act up. That's what they want you to do.

A. It was something of that nature, like she was telling them to kind of behave, and she gave the speaker and she complied. She had a child with her –

Q. Understood.

A. – and she – they left on their own. She didn't agree. Don't get me wrong. She did not agree with us – with leaving and she made that –

Q. Sure.

A. – (inaudible) clear to us but –

Q. Sure.

A. – she did comply.

Q. The other part of your testimony -- so you went back to the board and they wanted to declare an unlawful assembly and you told them no.

A. No, they wanted to – I'm not going to

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say – what they wanted to declare. They wanted to tell everyone to leave, so that was what we had done with crowd control in light of the George Floyd incident. We have – people are allowed to protest, and we have allowed people to protest. That doesn't – as long as they are protesting peacefully, as long as everyone is safe and there's no destruction of property, we've allowed people to protest.

At that point when the board had left, that was a protest and we allowed them to protest. The moment the violence occurred, which was the assault in the rear of the room, and that – my officer, that officer, was assaulted by the individual who tackled the officer, at that point, the free speaking to each other concerned us. The number of people that were in that room, and if more of those took place, how that would be to break those up and the people – there were a lot of kids in there. Like I said, one lady was carrying a baby.

Q. Sure.

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A. So at that point, I agreed with the superintendent. Now is the right time. You can go ahead. I'm fine with it. You can make your announcement, but we still are not going to physically push or encourage them to leave. Your announcement will make people leave and it did, and he made a total of four of them.

Q. Okay. So the incident with your officer where you say he got tackled, did you see it?

A. So I saw the corner – I was behind the media, so what I saw was the crowd. I didn't see the tackle. I saw commotion and I heard the noise, and I stood up but you still couldn't see, and I read the other officers from the other room as they move in, which is normal. You watch what the –

Q. Sure.

A. – backup officer is doing and –

Q. Sure. (Inaudible).

A. – I saw them go down and, in fact, we had standby officers, emergency officers that were standing by in case things went south. I held

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them back and -- because he went down and then very quickly, they stood up and he was in custody, so we didn't need to -- we didn't want to over send officers to a situation. It was handled by two or three officers at the most.

Q. So it's possible that he wasn't tackled, but there was a scuffle.

A. No, I saw the tackle on the video. That's why --

Q. Oh, you've seen the video of the tackle.

A. I saw the video. It was on the news and everything else. I saw the tackle --

Q. Okay.

A. -- but at the time, I didn't know what was going on. I had to find out afterwards, why was he arrested? What was the situation as --

Q. Do you have the video here today?

A. No.

Q. Okay. Does it show somebody charging a deputy and tackling, like a linebacker?

A. It shows him -- yeah, like a linebacker.

Q. Okay. And so was the deputy behind him

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or in front of him?

A. The deputy would have been in front of him.

Q. Okay. And did -- was there a deputy behind him?

A. There was a deputy that -- the secondary deputy -- so the interesting thing is, so the way it works is this. The noise is made. The action is made. Now the camera comes over to that area. So there's a commotion going on before the camera gets there. The officer wasn't nowhere near there. He was in another post, so once the noise and the commotion takes place, the officer comes over to take a look at what's going on. He has some words with the individual, like, hey, you need to come over here, talk to me. We'll try and de-escalate the situation.

Now the camera comes to the situation because the rest of the room is picking up on -- something's happening in the back, and that's how the incident went. When the officer went to pull the gentleman away from the scene, he turned, he

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tackled the officer. That's what I saw on the video.

Q. And so you didn't run at the officer. In other words, the officer grabbed him.

A. The officer went to take control.

Q. Okay.

A. Yeah. Three times, we were trying to take control.

Q. Absolutely, yes. Understood.

A. And so he's trying to control him, like, you know, this is not going good. Come over here, talk to me, etcetera, and then the assault occurred.

Q. Other than than one person, were there any other incidents?

A. There were reports taken after the incident, yes. There was a lady that said that she was pushed by someone. That report was taken and an incident number was placed. We interviewed some people about it because she fell, adamant that she was pushed and we checked into it and apparently, it seemed to be that, once that

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commotion had taken place, other people moved away and they bumped into this person, and so some people were pushed and made complaints about stuff like that.

Q. And she was on her way out when she got pushed.

A. I don't believe that she was on her way out at all.

Q. Okay.

A. I just -- I believe she reported that -- this is way before -- we hadn't told anybody to leave at that time.

MR. KACHOUROFF: Okay. Okay. Okay. I have nothing further, Your Honor.

THE COURT: Redirect?

MS. BIBERAJ: No, Judge. Thank you, sir.

THE WITNESS: Thank you.

MS. BIBERAJ: He just will be subject to recall.

THE COURT: All right. You'll -- you may step down. You need to go back out in the

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hall. Do not discuss this case while you're waiting. You may be recalled as a witness.
THE WITNESS: Okay.
THE COURT: Thank you.
THE WITNESS: Thank you, Your Honor.
THE COURT: The Court --
MS. BIBERAJ: Next is Sergeant (inaudible) please.
THE COURT: -- will take a five-minute recess.
THE COURT OFFICER: All rise. The Court's in recess.
(OFF THE RECORD)
(ON THE RECORD)
(Call to the order of the Court.)
THE COURT: All right. Next witness for the Commonwealth.
MS. BIBERAJ: Sergeant Leydig, please. Judge, while he's coming to the stand, may I please hook up a video (inaudible) the Court?
THE COURT: Yes.
Sergeant, come forward to the witness

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stand, which is up here to your right. You've been sworn earlier with the other officers, so you may take a seat at the witness stand. The Commonwealth will be questioning you first, and then attorney for the Defendant may also have questions. Yes?
MR. KACHOUROFF: Your Honor, my client's using the restroom, so he should be back shortly.
THE COURT: Well, okay. We can't start until he gets here. All right. Thank you for letting me know.
MR. KACHOUROFF: I almost forgot myself.
THE COURT: While we're on a break, let me address a couple of matters.
(OFF THE RECORD)
(ON THE RECORD)
THE COURT: All right. Is the Commonwealth ready with this witness?
MS. BIBERAJ: We'll be ready to start (inaudible), Judge.
MR. KACHOUROFF: Can I just check the -- may I approach that video just to check the

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exhibit --
THE COURT: Sure.
MR. KACHOUROFF: -- just to make sure it's the same one we're looking at?
THE COURT: Yeah.
MR. KACHOUROFF: I apologize, Judge. (Inaudible). Okay. Can we do large screen and also put the sound on? I want the Judge to hear the tone and tenor of the room.
Your Honor, I don't know if the video transfer to your screen at all, but we can actually -- do you mind if I (inaudible) to get the full screen?
MS. BIBERAJ: I'm going to do that.
MR. KACHOUROFF: Okay. Sorry.
MS. BIBERAJ: No, no. That's okay.
MR. KACHOUROFF: I'm trying to be helpful.
MS. BIBERAJ: I appreciate you. I just want to ask him some questions first.
THE COURT: All right. You may proceed. Thank you.

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(Exhibit 1 was marked for identification and was retained by the Court.)
MS. BIBERAJ: Thank you.
Whereupon,
JASON A. LEYDIG,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Good morning, Sergeant Leydig.
A. Good morning, ma'am.
Q. Can you please introduce yourself to His Honor?
A. Your Honor, I'm Jason A. Leydig, Deputy Sheriff, Loudoun County Sheriff's office, rank, sergeant.
Q. Okay. I'm going to ask -- most of the questions I've got today are going to be related to June 22, 2021, incident.
Prior to doing that, can you tell the Court, please, how long have you been in law enforcement?

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A. I started my law enforcement career in 2001 in August in Grand Rapids, Michigan, at the Kent County Sheriff's Department. I started with the Loudoun County Sheriff's office December of 2004.

Q. Okay. And what responsibilities as far as in titles or assignments have you had since being a law enforcement officer for the sheriff's office?

A. I started in the Loudoun County jail in 2004, worked there for 14 months. Then I went to public relations as a DARE officer, crime prevention officer, went to patrol, then did the school resource, was promoted to the motorcycle sergeant, to traffic sergeant, and then recently was transferred to patrol in the western end of the county.

Q. Okay. Relative to the training that you've had specifically while working at the jail and the patrol, as well as school resource officers, is there additional training that you were provided or more specific training that you

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were provided regarding crowd control and assessment of safety?

A. To answer this question very specifically, I've had ancillary duties such as civil disturbance. With the civil disturbance training coupled with school resource, I would say that there are probably around a hundred hours of additional mandatory in-service recertification trainings that I've received through civil disturbance, crime prevention, and school resource officer.

Q. Okay. And as part of that training, are you taught how to assess certain behaviors within a crowd to make a determination as to whether or not safety becomes a risk?

A. Yes, ma'am.

Q. Okay. What types of things are you taught to look for?

A. I've been taught to look for individuals in a group that are organizers, individuals that are acting outside of a group, and then groups acting in concert with one another.

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Q. Okay. And as far as specific behaviors, what are you looking for?

A. Looking for individuals yelling, screaming, inciting others to yell and scream and carry on a coordinated effort to break the peace.

Q. Okay. Are you also taught in the civil disobedience training as to how to de-escalate matters?

A. Yes, ma'am.

Q. What tools have they taught you to add to your skillset?

A. Chief amongst them, the Loudoun County Sheriff's office implements a crisis intervention training, in which nearly a hundred percent of its deputy sheriffs are trained with crisis intervention.

Q. And what exactly does crisis intervention training mean?

A. Crisis intervention training means that a deputy is taught over the course of 20 to 40 hours on how to talk to an individual that is exhibiting crisis-like behaviors, meaning that, if

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they are in a crisis, instead of dealing with it in a black and white legal aspect, we can deploy officers that are specially trained to speak with them and de-escalate the situation, hear them out, and to understand what they're going through.

Q. Okay. Excellent. Now I want to ask you specific to June 22nd, if I may, please.

Were you assigned to the school board meeting?

A. I was assigned to the school board meeting by voluntary overtime. So I was there because I signed up for overtime for that position as an LCPS contractee.

Q. What was your initial direction as far as why you were to be there?

A. It was to keep the peace.

Q. Okay. At any point in time, were you told that your position or your purpose was to stop people from speaking?

A. Absolutely not.

Q. Okay. What time did you show up to the Loudoun County school board building?

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A. If I could refer to my notes.
Q. Okay. So if you could do this, I could share with counsel because I know you gave him the notes -- what notes are you looking at that we also can review?
A. This is an actual self-note of the incident-based report that I submitted to the Loudon County Sheriff's office that I placed upon my cell phone, just so that I could read off of it.
Q. Was it then transferred into a narrative?
A. Yes, ma'am. The same narrative that everybody has access to (inaudible).
Q. Okay. All right. We're good.
A. Yes, ma'am. To answer your question, 1500 hours, 3 p.m. is when I arrived to the area, in order to get a briefing.
Q. All right. How were you dressed that day?
A. I was dressed the exact way that you see me today.

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Q. And for the record, can you describe what that means? Are you in full uniform?
A. I am in full duty uniform, Class B, displaying my badge of authority with a nametag and all the other regalia.
Q. And as far as your insignia and stuff like that, it says sheriff on the front?
A. Yes, ma'am.
Q. What does it say on the back?
A. It says sheriff on the back as well.
Q. All right. And as you indicated, the same uniform you have here on today in court is the same one or similar -- maybe not the same exact shirt, but similar to the one that you wore on June 22nd?
A. Yes, ma'am.
Q. All right.
MR. KACHOUROFF: Just briefly, Judge, we don't have to go through this every time. I'll stipulate that they're all on duty wearing -- displaying their badge of authority because it'll speed things up.

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MS. BIBERAJ: Thank you (inaudible).
Q. When you arrived to the Loudoun County school board building around 3 o'clock, did you come in through the parking lot area?
A. Yes, ma'am.
Q. Had you -- did you observe any individuals already gathering by that time?
A. Yes, ma'am.
Q. Can you describe for the Court what you observed?
A. I observed, by and large, the group was coordinated. They were calm. They were very appreciative of law enforcement being there, and I saw many people that I'd seen there before, having worked many overtime assignments there before.
Q. Okay. Based on the size of the crowd, was this any different than the other times that you had worked one of those school board meetings?
A. There were a couple more tents. There were speaker with microphones that were set up that I haven't seen before.
Q. Okay. And when you made this

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observation, were you -- did you make it as you were going into the building or were you stationed outside the building?
A. Both. I made it as I entered into the building and as I was inside the building, looking out through the windows.
Q. All right. So now let's change the focus of the conversation to when you were inside the building. When you were inside the building, do you see the crowd start to increase in size?
A. I did not notice the increase due to the fact that my assignment was specifically to keep the peace inside the boardroom.
Q. Okay. All right. So now we're going to start talking about the boardroom in and of itself.
What time did the meeting start that evening?
A. I would have look at my notes.
Q. That's okay.
A. I don't have an exact time. I would say that it probably started around 4 p.m. --
Q. Okay.

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A. -- to the best of my knowledge.
Q. So you said you've attended prior board meetings. Relative to attendees and the number of individuals who attended, was this evening on June 22nd any different in the number of attendants versus prior hearings?
A. There were open seats at every meeting that I had been at prior. This was the first meeting that I saw that there were absolutely no open seats.
Q. Okay. And what was, like, the emotional energy that evening?
A. The emotional energy was by and large calm at first.
Q. okay. Did things then start to change?
A. As the meeting continued to go through its normal decorum, there was at one point booing and jeering from whatever side was booing and jeering towards the other side. At that point, the decorum had been lost and I noticed that the chair had called a brief recess.
Q. Okay. And at the time that she called

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the brief recess, was there any comments made towards the crowd as to why that recess was taking place?
A. I don't remember to the best of my recollection.
Q. Okay. Did the meeting then reconvene?
A. The meeting then reconvened five to ten minutes later.
Q. All right. Did you observe anything about the crowd or the attendees that then caused you to be concerned as to the tenor or the impact to safety that this may have?
A. I noticed that, at that time, the crowd became very, very calm and very quiet, and on both sides, were running through their respective speakers.
Q. Okay. Did there come another point in time when the chair took a recess?
A. When Senator Dick Black took the podium, that is when he gave an impassioned speech, and it was at the time that his microphone was cut off that the room then changed its tenor to become

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upset, loud, and --
Q. Okay. When you say the mike cut off, are there time limits on speakers?
A. Yes, ma'am.
Q. Had he -- to the best of your information and knowledge, had he met that time and exceeded it?
A. Yes, ma'am. The 60 seconds had elapsed.
Q. Okay. I know you said that you saw that the crowd became upset and loud. What, if anything, did you observe about their physical demeanor that caused -- or impacted your sense of safety for the attendees?
A. The crowd by and large had stood up, started to yell, and this is after Senator Black had completed his speech and everybody had given him a round of applause and it was hard to hear, but the -- at that point, the chair had voted for a nine-zero end to public comment, so as they voted for the end to public comment at nine to zero overwhelming, they then recessed to the ante room.

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Q. Okay. Then what, if anything, occurred relative to the crowd?
A. For the next 30 to 40 minutes, the crowd started off by singing the National Anthem. I was asked to give a brief to my command staff to which I said over the radio -- if I may read from my notes specifically.
MR. KACHOUROFF: No objection.
A. Using my duty-issued radio, I told command that we are going to let these folks exercise their First Amendment rights.
Q. Okay.
A. And that is on recording.
Q. And that's fine. Right?
A. Mm-hmm.
Q. And did you also ask them at that point that you wanted additional deputies to be there because some deputies had been taken out of rotation?
A. There were -- there was one specific incident to where a gentleman was yelling at a female. Two deputies intervened. As those

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deputies intervened, they had to go hands-on, which basically means they had to physically take that individual into custody. That liquidated a majority of my deputies, which meant that it was just me and another deputy. I called for backup. Eventually, several more deputies came.

During that time, some for people left. Some people stayed. We went from probably 300 plus individuals in the room to at that point maybe a hundred.

Q. Okay. And how many deputies did you have in the room at that point when it was reduced to about a hundred?

A. I don't have it written down. To the best of my recollection, no more than five.

Q. Okay. And at this point, you've had maybe about 30 minutes pass as far as when the announcement was made that they needed to leave, and --

A. Yes. And I heard at least three to four – I have written down in my notes, four announcements from Dr. Ziegler of such to cease

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and desist, and we -- I do have an actual quote, if I may read that.

Q. You're welcome to.

A. Superintendent, Dr. Scott Ziegler, says, as an administrator of Loudoun County Public Schools, I am notifying you that this is an illegal assembly and you are ordered to leave the building. Those that remain will be subject to arrest for trespassing.

Q. Okay. After the first time you heard that, what, if anything, did you -- and you -- and if I may ask this so I don't make this assumption, you were the highest-ranking officer within the boardroom at that point in time when he made the first announcement other than Major McDonald, correct?

A. Correct.

Q. Okay. So after that first announcement that you need to leave, it's an illegal or unlawful assembly or you will be subject to arrest, what do you direct your staff -- law enforcement officers to do?

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A. From the very beginning, I said, we are going to ask them to leave.

Q. Okay.

A. Just be nice. Ask them to leave. Apologize profusely. Don't get into a conversation with them. Please, please leave. I'm so sorry. Please leave. If you're ever asked a question, I'm sorry. Just please leave.

Q. And that's part of the de-escalation, correct?

A. That is part of the de-escalation, open hands, just very gently trying to corral people out of the back of the room.

Q. All right. And that starts with the first announcement when there's approximately 6- to 700 people in the room.

A. Yes, ma'am.

Q. Some people have complied?

A. Some people have complied.

Q. All right. When it gets to the second announcement, does your instructions or your actions change as to encouraging those remaining

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to leave?

A. It is just a repeat of the exact same orders.

Q. All right. Third time, does it change?

A. A repeat of the exact same orders.

Q. All right. Now by the fourth time, you've now had an incident related to one of your law enforcement officers coming hands-on with another attendee, correct?

A. Yes, ma'am.

Q. At this point in time, what then changes as far as how the actions will be for the law enforcement to take?

A. We only have a handful of folks left, and my major has said I need one more announcement. Get these people out of here.

Q. Okay.

A. He said something to that effect.

Q. And that was after the physical altercation with the one gentleman who was arrested.

A. Yes, ma'am.

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Q. So let's talk a little bit about the tenor of the room when that was going on. Did it decrease the anxiety in the room or did it increase? What impact, if any, did it have?
A. I will say that, since there was absolutely nobody other than the five to ten citizens that were left, the mood of the room was calm due to the fact that there were more law enforcement there than there were civilians.
Q. At the time that he was arrested, there was only five or ten?
A. Mr. Tigges?
Q. I'm sorry.
A. At the time that the --
Q. Mr. Smith.
A. -- of the initial arrest, there was several hundred people.
Q. Right. Okay.
A. But by the end, when Mr. Tigges was arrested, there was only five to ten.
Q. All right. So I apologize. So I should have been very specific (indiscernible) so excuse

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me for not having done that. Let's go back to the individual who was arrested that was not Mr. Tigges.
At that point in time, there's a couple hundred individuals in the room. While that was going on, what was the tenor --
THE COURT: Wait a minute. The answer to that was yes.
A. The tenor --
THE COURT: The court reporter can't --
MS. BIBERAJ: Yeah, because there's a court reporter.
THE WITNESS: That's okay.
THE COURT: -- (inaudible). All right.
MS. BIBERAJ: Yeah. Thank you, Judge. Let me go back and walk through that, so that you actually have an audible response.
Q. At the time that the other person who was not Mr. Tigges was arrested, there was approximately a couple hundred people in the room still?
A. Yes, ma'am.

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Q. And there was about five law enforcement officers?
A. Yes, ma'am.
Q. Okay. What was the tenor of the room as far as the attendees when that other person was being arrested?
A. It was loud. It was angry, and it was not safe in my opinion.
Q. Okay. What concerns did you have and for whom relative to other attendees, law enforcement, or anything else in that nature?
A. My main goal and I tell my deputies that my main goal was to keep the peace, to keep the civilians safe, to keep the board safe. We're not there just for the board. We're there to make sure that everybody has a safe First Amendment environment in which they can exercise that right.
Q. Okay. At this point, you indicated that safety became an issue.
A. Yes, ma'am.
Q. All right. What, if anything, did you then direct your fellow officers to do?

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A. Again, open hands, communicating in a positive manner with the civilians that were left, the citizens, in order to leave the boardroom.
Q. Okay. At that point, are they getting actually closer to the crowd themselves to be able to -- I don't want to use the word corral. That's a little offensive -- to encourage them to leave?
A. Yes, ma'am. We are advancing on them by taking shuffle steps.
Q. All right. And are most people then complying with it?
A. Yes, ma'am.
Q. All right. At -- sorry. At some point, do you then actually come into direct contact with Mr. Tigges?
A. Yes, ma'am.
Q. All right. What would -- what is the interaction between you and he?
A. There was one interaction before the video that was captured in which I asked Mr. Tigges to -- is that the proper pronunciation, Tigges?

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MR. KACHOUROFF: It is. Yes. Thank you.
A. To come aside and to which -- not to say hearsay. I just asked him what -- I said, what is your end goal here today?
Q. And what'd he say?
A. Mr. Tigges then said -- he goes, there's no way that I'm going to leave this building without being arrested.
Q. Okay. At that point, then there is an interaction that is recorded between you and he.
A. Yes, ma'am.
Q. Can you describe for the Court, please, what is your then next interaction with him?
A. I saw Deputy Haynes, who will be in the video with a green shirt, interacting with Mr. Tigges in a CIT manner, engaging Mr. Tigges to understand what his crisis is to be able to de-escalate that. As he is engaging Mr. Tigges, I'm advancing and pushing people without pushing them.
Q. Without touching.
A. Right. Pushing them out of the back of

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the room, and with great success. And then as I come back, there was one more audible notification from Dr. Ziegler and the order by Major McDonald to make sure that all these people (inaudible) and that is when I had my last -- my interaction with him. That was on video.
Q. And what was the interaction between you and Mr. Tigges at that point in time?
A. At that point, I very succinctly went up to Mr. Tigges and said -- if I may look at my notes just so that I'm not --
Q. Sure.
MS. BIBERAJ: For Counsel's reference, it's Page 5 of 6, Paragraph 2.
A. Yes, ma'am. I returned at around 5:55 hours to find Mr. Tigges was still engaging with Deputy Haynes. Deputy Haynes and Mr. Tigges were speaking. Mr. Tigges was speaking about the suppression of people's rights. I asked Mr. Tigges, Jon, are you refusing to leave at this time? Mr. Tigges replied, yes, I am refusing to leave. I then gave the order, deputies, please

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arrest this individual for trespassing.
Q. Okay. And did that, in fact, take place?
A. That took place. He was arrested without incident.
Q. All right. I'm going to go and just identify some video. The videos that you will be asked to look at, you've had an opportunity to review them earlier, have you not?
A. Yes, ma'am.
Q. Are those videos that you actually provided to me, those being videos that are on YouTube, a public channel?
A. They are on a public channel. Yes, ma'am, to which they have been recorded and placed into our evidence system.
Q. Thank you, sir.
MS. BIBERAJ: Judge, based on Counsel's request and my consent, what we're actually going to do is actually allow the audio on this. I don't think there's any objection to that.
Counselor, can you see that?

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MR. KACHOUROFF: Yes, ma'am.
MS. BIBERAJ: All right. Thank you, sir. At any point in time that you need (inaudible).
Q. I don't know if it's too soon to tell but are you able to identify who the sheriff is in this --
A. That very well might be my back.
Q. Okay. If at some point, it isn't, then let me know. I believe it is you too but we'll see that.
A. That is me.
(Video started.)
(Video stopped.)
Q. I just want to ask you a couple of questions. You see that there's numerous deputies within the throng of the crowd, and that's what you were saying, that they were encouraging them to leave?
A. Yes, ma'am.
Q. All right. Are those the exit doors on the top, right-hand side?

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A. Yes, ma'am.
Q. All right. There's someone speaking in the background. And is that the amplification system that somebody's speaking on?
A. There is one really loud woman that did not have any amplification whatsoever and that's generally who we're hearing through most of this.
Q. Okay. All right. If you listen to it, there's a -- it sounds like a male voice and it sounds like an amplification. I just want to ask you a question, if you'll listen to that and then I'll -- let me know when you hear it.
(Video started.)
(Video stopped.)
Q. So with what we are hearing, is that similar to what you were experiencing in real time?
A. Yes, ma'am.
Q. All right. Now I'm just going to let it play.
(Video started.)
(Video stopped.)

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Q. Is that Mr. Tigges?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. On the (inaudible) because, at some point, you'll see Sergeant McDonald in the photo and he makes a signal. Is that you were referencing earlier to make another announcement for people to leave?
A. It very well might be that I'm -- correction to Major McDonald.
Q. I'm sorry.
A. No, it's okay. Mm-hmm.
(Video started.)
(Video stopped.)
Q. And as far as the individual that's talking to Mr. Tigges, who is that, from the sheriff's office?
A. The green-shirted deputy was Deputy Haynes.
Q. And that's with the specialized CIT

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training?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. Sergeant Leydig, was that a true and accurate video of the events as they transpired that evening on June 22nd?
A. Yes, ma'am.
Q. All right. I have no further questions at this time. Thank you, sir.
THE COURT: Cross-examination?
MR. KACHOUROFF: Very, very briefly, Judge.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Sergeant, you said, no way I leave without being arrested was one of the comments that he said to you.
A. Yes, ma'am. Yes, sir.
Q. It's okay. Fair to say that he may have -- because I didn't see that contained in your

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statement -- in your written statement.
A. Yes, sir.
Q. Is it contained in there?
A. It is not contained in my narrative. No, sir.
Q. Is it just as possible he says no way I'll leave until everyone's had a chance to speak?
A. That is absolutely not what I heard.
Q. Okay. So if it was on video that that's what is said, you would go with what the video said rather than your own recollection.
A. If there was a video that contradicts what I said, then my recollection obviously is in flaw.
Q. And you talked about the 30 minutes after the board left. What happened during the 30 minutes? Were they talking? Were they on that -- doing their speeches on the --
A. Yes, sir. They were taking turns, standing on chairs, on a speaker system that they brought in.
Q. So the board didn't come back to resume

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the meeting for 30 minutes or more?
A. That is true.
Q. Did they tell you that they weren't coming back? Did they tell you they were coming back? What was the board's intent at that point?
A. I don't know.
Q. Did the board ever tell you before they recessed that they wanted everybody cleared? Before you made the announcement, did the board ever say they wanted everybody gone?
A. No, sir.
Q. Were you in the back room with the board at any point in time?
A. No, sir.
Q. So you would have no way of knowing what they said.
A. No, sir.
Q. Okay. Mr. Tigges never once called you a pig.
A. No, sir.
Q. Was he respectful? Would you say that was respectful, what you saw?

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A. In the back parking lot, he was very, very, very respectful.
Q. Okay. And he was also -- while he was adamant about his constitutional rights, he wasn't belligerent with you.
A. I would say that what you saw in the video was his impassioned plea to be heard --
Q. Understood.
A. -- is my opinion of the situation.
MR. KACHOUROFF: I have nothing further. Thank you, Judge.
THE COURT: Redirect?
MS. BIBERAJ: Briefly.
REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Sergeant Leydig, relative to your actions and those that you directed your officers and deputies to do, was that in an attempt to silence his abilities to speak?
A. No, ma'am.
MR. KACHOUROFF: Objection, Your Honor. That goes beyond the scope. I never raised

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anything about the deputy stopping him from speaking.
MS. BIBERAJ: I think it's his response, Judge, to Mr. Tigges wanting to speak and to exercise his First Amendment privilege. That's in response to that, that his attempts were not to forfeit that or just to (indiscernible) that in any way.
THE COURT: The issue came up about speaking.
MR. KACHOUROFF: It did. All I asked him was he said Mr. Tigges said -- because I wrote it down, I'm not leaving until -- or I'm not going to -- he asked what is his end game, and he believed Mr. Tigges said, I'm not leaving this room until I'm arrested or some such thing like that. And then I asked the question, is it possible he said I'm not leaving the room until everyone had a chance to speak. He couldn't remember.
That's it, but that doesn't open the door to him -- her asking all kinds of other

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questions about whether he gave orders to stop speaking. I never even went into that. In fact, his testimony was that they did -- his testimony was just the opposite, that he actually is on the radio saying, we're going to give these people their First Amendment right to speak.
MS. BIBERAJ: Judge, we can refer to the court reporter as to the subsequent question because there was a subsequent question if that would guide the Court in its ruling on the objection.
THE COURT: I'm inclined to allow the answer to the question.
MR. KACHOUROFF: Okay. That's fine.
THE COURT: It seems to me that that was the -- there was a question about speaking and I think it's a follow up question to that. There might have been a difference in what you asked him about his recollection and what something may -- some other testimony -- not testimony -- but the video may have been, but regardless, I'm going to allow the question. Objection overruled.

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MS. BIBERAJ: Thank you, sir.
BY MS. BIBERAJ:
Q. And Sergeant Leydig, was the crowd permitted an alternative site to continue with their public comments, such as being outside of the boardroom?
A. The hallway or the parking lot at large.
MS. BIBERAJ: I have no further questions. Thank you, sir.
MR. KACHOUROFF: May I redirect?
THE COURT: Yes.
RECROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Do you know whether the parking lot and the right to assemble outside of the parking lot, was that announced on the loudspeaker?
A. I don't recall.
Q. Do you recall whether the school board had a notice that said, listen, this is a big crowd tonight. We're going to set up additional areas outside for the right for the people to assemble?

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A. I don't recall.
MR. KACHOUROFF: Thank you. Nothing further, Judge.
THE COURT: You have the last --
MS. BIBERAJ: Thank you, sir.
RE-REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. But you heard Sergeant McDonald -- I'm sorry -- Major McDonald clearly state they could assemble outside.
A. Yes, ma'am.
MS. BIBERAJ: I have nothing further. Thank you, Judge.
THE COURT: All right. Is this witness needed further?
MS. BIBERAJ: Judge, he's subject to recall if we may, please.
THE COURT: All right. You may step down.
THE WITNESS: Thank you, Judge.
THE COURT: You need to wait out in the hall and you may be recalled as a witness. Do not discuss this case while you're waiting.

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THE WITNESS: Yes, sir.
THE COURT: The next witness for the Commonwealth.
MS. BIBERAJ: Judge, that would be the Commonwealth's case in chief.
THE COURT: Commonwealth's case.
MR. KACHOUROFF: Your Honor, I move to strike the Commonwealth's case.
THE COURT: Okay. Do you have some reason for that?
MR. KACHOUROFF: Of course, I do. I'm getting ready to tell you.
THE COURT: Okay.
MR. KACHOUROFF: This case is interesting from several respects. You've got the superintendent who thinks the sky is falling and describes a chaotic scene reminiscent of January 6th, yet there's no protestors burning chairs, looting, rioting, jumping on top of the dais, nothing.

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The only incident you saw of someone standing on a chair was a shorter fellow -- and I sympathize with him because I'm not as tall as I'd like to be -- get on a chair during the recess and attempt to speak and attempt to say something, and then the microphone gets taken away and he gets down. There was nothing disorderly about that room, nothing. The cases are replete with this type situation.
And, look, we're not talking about a courtroom. If I come in here and pull antics on you, not only are you going to shut me down, the bailiffs will come and put me in cuffs because the decorum here is not the same -- it's not a political decorum.
First, I mean, Justice Thurgood Marshall has mentioned on occasion a famous case. I think it was an Illinois case, a Chicago case, where they were talking about the animating contest of freedom, and when we talk about politics, that there is -- it's expected that we are engaged in this political discussion. That's why a lot of

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people don't like to talk about religion and politics, yet we have both of those things being talked about here.

Nothing in these videos shows any sort of riotous assembly. The question is -- the question you have to decide is whether an unlawful assembly has to be there in order for the police to clear a public assembly. You can't have it any other way than to have -- you have to make that analysis because if you do, then there's no -- why would you ever have an unlawful assembly? You never would. The unlawful assembly exists for this reason.

When I speak to unlawful assembly, I'm talking about the old common law and now which is codified at 406, I believe, of Title 18.2. Yes, 18.2-406. If this statute does not apply to public assemblies, it never will -- or to public protests, it never will. We will have established a new squish standard that, well, I feel this and I feel that and they weren't using their jazz hands. They were applauding. There's no policy

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that says they can't applaud.

I noticed the Commonwealth didn't show you the -- Dick Black speaking and the applause afterwards because that video may not have been favorable to the Commonwealth. Why didn't they show the -- what the crowd's reaction was? It's their burden. They have the burden to do that, not me.

But at the end of the day, the motion to strike should be granted and for one salient reason, that in order to declare this an unlawful assembly, you have to meet the exact terms of the statute. Arresting one person who, according to Major McDonald, got tackled, but Sergeant Leydig didn't express it in those terms. The two guys -- they arrested him without incident and they took him out and people continued for a little while thereafter. And then they made the announcement to -- that it was an unlawful assembly.

I think when you look back at the evidence, that this really illuminates that issue because we have Major McDonald telling you

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uncontradicted or that before he went back into the room with the board and the board wanted to clear the room out then and he said no. So he knew he couldn't just clear it out. So what is the standard by which he claims that he can clear that room?

The board obviously didn't want to hear any more public comment. That much is clear by virtue of Major McDonald's testimony. They're going to have that issue to deal with. That's a separate issue but the real glaring part that you have to overcome is why did Major McDonald have the right to clear that room when there was no unlawful assembly? And you'll see they're all -- without even my prompting, the witnesses like Dr. Ziegler are now backing away from the unlawful assembly because they know. They read the statute and they went, oops. We screwed up.

So they couldn't clear that room just because. When the board sets up a public meeting and within that public meeting, sets up a public comment session, it's accorded strict scrutiny.

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It's accorded First Amendment protections under the United States Constitution. That's not in disputed. The only way to defeat that is to show -- make a showing not that, oh, well, the crowd was rowdy. Well, this is politics. Crowds always get rowdy. You know, I think one of the witnesses likened it to a game, but there wasn't three or more persons conspiring and the statute is key here and it assists you in understanding whether this occurred.

It's lawful or unlawful purpose. So they had a lawful purpose, but they do so by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety. The statute sets the standard, not the training that all these officers claim to have. The statute does.

When three or more persons assembled share the common intent, then such assembly is an unlawful assembly. There wasn't three or more persons using violence. All you heard was one person got arrested because he was getting mad at

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another woman and there was no indication that he hit her. There was no actual act of violence.

So in order for this case to -- in order for the -- for us to say that the sheriff had the right to stop a First Amendment hearing, he's obviously talking to the board. The board wants it stopped. That's where the school board superintendent decides, well, we'll just call it an unlawful assembly and we'll stop it right now.

The problem is it didn't meet that, so in order for the Commonwealth to meet its case, it can't run from the statute. They can now claim in open court after the fact, oh, it wasn't really unlawful. We were just scared that there were -- people weren't using their jazz hands. They were clapping and -- you know, no wonder why people are upset with government. The government -- this is not a beauty contest where we -- everybody sits respectfully. This is a political forum. This level is to be expected.

There was nothing -- you didn't hear that Mr. Tigges at any time was disrespectful to

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the officers. He was asserting his constitutional rights. That's the oath that I took, that you took, that the Commonwealth took, that the officers take. Now, people have a tendency to want to balance these rights out, but this is not the same thing as yelling fire in a crowded theater. We're not even asserting that Mr. Tigges is attempting to yell fire in a crowded theater, but he had a right to speak. He wasn't doing anything wrong.

There wasn't an unlawful assembly, and that's the whole point of this. That's what colors this whole -- and by the way, just so the Court understands the Commonwealth's case, they tried to create an unlawful assembly without going to the statute. That's why you heard all this testimony about, well, we were scared, based on my training, you know, the crowd this, the crowd that. Well, it doesn't matter what any of that is. What matters is what the statute says. That's what we go by in the law.

And so in order to convict him of

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trespass, which they cannot, they would have had to have shown that it was an unlawful assembly. He was there for a lawful purpose but he didn't engage in any acts of violence. It was passive, just like Martin Luther King and the passive protests. So I would ask Your Honor to find the Commonwealth has not met its burden. They have not proved that an unlawful assembly existed, and that they had no authority to order Mr. Tigges from the room. He had every right to speak because the time was allotted.

That's part of the First Amendment. These board meetings, time, place, and manner. So the board can regulate the time. In this case, the board wasn't regulating. You heard uncontradicted testimony that one woman came up and called -- wasn't addressing the policy, wasn't addressing the board. She's inciting the rest of the audience, who she knows is against this transgender policy and the critical race theory, calls them all haters of Jesus and a hate-filled room. What do you expect when the chair doesn't

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even dress her down or tell her to stop? But yet, the moment people boo, she gets mad at them for saying that.

The time for public comment is to address public policy on the political issues. So I would submit, Your Honor, the board is stuck with this. They're the ones that did this. You know, they have to hear public comment. They may not like it but if they set aside that public comment period, it's a designated public forum. The First Amendment attaches with all of its restrictions.

So based on that, Your Honor, I would ask the Court to strike the Commonwealth's evidence and find -- and dismiss this case.

THE COURT: Ms. Biberaj?

MS. BIBERAJ: Judge, the reason why we're here is because Mr. Tigges was on the property of the school board and was asked to leave as one of many attendees. He chose to not leave. This convolution of what the issues are, so whether or not this is an unlawful assembly,

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that's not really an issue before the Court, whether it was a lawful or unlawful assembly.

The statute is very clear, which says, it is unlawful for any person, herein, it is Mr. Tigges, to remain on school property belonging to the Loudoun County Public School System in violation of any direction to vacate the property by the property. That was done four times, by a person authorized to give such direction. That was Dr. Ziegler. Those are the elements of the trespass statute. Each of those elements have been met beyond a reasonable doubt, not only to survive a motion to strike but on any level.

The fact that this public comment was a basis by which people were invited to come to speak before the school board existed. They were not squashed for their ability to be able to do it, just the public comment had been terminated because of the behaviors within the audience. That is at the right of the school board but yet again, that is not the issue before Your Honor. It is the trespass. The trespass, all the

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elements have been met and I would suggest to the -- Your Honor that the comment made by Counsel as far as us not showing any portion of the video, no offense, we showed to which to establish our case. They are given the opportunity if they wish to put on a defense. They don't have that burden, but they have that invitation. So I would ask the Court to focus on what the issue is and what the offense alleged, which is the trespass. Thank you, sir.

THE COURT: Anything further on your motion?

MR. KACHOUROFF: Very briefly. Any direction by a person authorized. That's what 128, Subsection -- Paragraph B talks about. Well, the superintendent admitted because I asked him the question point blank, do you control the board meetings? No, I do not. Do you control the boardroom and the board meetings when they're in session? No, I do not. He was not authorized. He said the board didn't tell him to do it, so he couldn't have been the person authorized to tell

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the public they needed to leave a public meeting.

Now keep in mind, granted, they could have stopped the public comment but there was still a public meeting and the public had a right under the Virginia FOIA Act, the Open Meetings Act that it could attend. That's an open meetings violation to prohibit the public from going in. So they have every right, unless the board meeting was terminated altogether, which it wasn't. It was in recess, just like you took a recess. And they were supposed to come back, so you just can't have people exit, especially when, Judge, all this talk about all the training for de-escalation.

There was not a single warning that, hey, guys, they're going to ask you to leave. I need you to be respectful and quiet. There was none of that announced over the PA. They took the quick and fast opportunity to come out and say unlawful assembly. They said it four times and now they're trying to back away from it. They know because they're caught. For that reason, I would ask the Court to dismiss this case.

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THE COURT: The Court finds that the Commonwealth has made a prima facie case in the light most favorable to the Commonwealth consistent with the requirements of 18.2-128B. The officers were authorized and they were telling the people to leave as well and it was that authorization in part that the Court considers in denying your motion to strike.

Do you wish to present any evidence?

MR. KACHOUROFF: No, Your Honor. I would renew my motion at this time under the standard of beyond a reasonable doubt with the contradictions you've heard, was there a reasonable doubt as to whether he should be allowed to remain there, whether the superintendent was a person that was authorized to do so.

You say the officers all told him to leave. All right. Just because an officer is giving you an unlawful order doesn't mean -- you suffer the consequences if the Court later determines it to be lawful, but if it's an

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unlawful order and you resist peacefully, you're entitled to do that and the officer may indeed be wrong. I think the officers are trying to do their job with respect to following what the school board and what the superintendent were trying to accomplish, so I don't -- you know, when the officer says, please leave, that's not the standard by which we convict somebody for trespassing.
I mean, the officer has to have -- if he's getting direction from the person authorized, you have to be authorized to do that, so we go right back to the heart of the issue. I won't repeat it again for Your Honor, but it's -- I went over the First Amendment issue ad nauseum.
THE COURT: The Court finds that Major McDonald was in concert with the school officials and had the authority to tell those people to leave. They were working on that back and forth.
MR. KACHOUROFF: Well, Judge, I apologize.
THE COURT: The board --

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MR. KACHOUROFF: The school board isn't the school officials. The school board's an elected body. The superintendent has -- he takes direction from the school board but he says he acted on his own. He can't do that. It's a school board meeting. It's a public meeting. He has no authority as a superintendent to govern a public meeting, zero.
THE COURT: He has authority to administer the billet, which is what he testified to. He has the authority to do that and he had authority when working with police for -- under exigent circumstances for welfare and safety of the people at the meeting to ask them to leave the building and within the earshot of that was the Defendant, who was told, you can continue outside. That's on the video.
MR. KACHOUROFF: Yeah, but he wasn't told that, number one.
THE COURT: It's within -- it was audible from where he was.
MR. KACHOUROFF: Right. But just so

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we're clear, it's still a public meeting. And so the question is why was the room -- you're saying because of safety issue, well, you're invoking the unlawful assembly (indiscernible).
THE COURT: I am invoking the requirements of the statute.
MR. KACHOUROFF: Well, they can't -- they're not authorized to do it. That's the point. Just because he's authorized at large to manage the buildings -- in other words, you've just said, Your Honor -- and consider this, respectfully, that the superintendent, despite a board meeting, can withhold -- can stop the public from going in because he has the power to administer the school board or the buildings. He doesn't have that power.
When the school board acts, they sit in a session in the school boardroom. It's not even -- I mean, it may be attached to the admin buildings, but it's a school board dais. That's what it's there for. It's for the public to come and listen. That's why it was designed. So if

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we're going to talk about danger, if we're going to talk about safety matters, the general assembly has already put that in plain language in the statute, and that's under the unlawful assembly statute, 460.
Otherwise, under this interpretation, we would never use unlawful assembly ever again to get people to clear a room. That's the whole point of the unlawful assembly. You have no longer the right to assemble. It has now become unlawful. And when is that? When 460 tells you, three or more persons. They haven't shown three or more persons. At most, they've shown one. That's the point.
THE COURT: Do you want to respond?
MS. BIBERAJ: I do, Judge. Thank you. Judge, Dr. Ziegler testified that he is the CEO of Loudoun County Public Schools and is in charge of the day-to-day operations. As far as this being a board meeting, which is with the board members, that is what their function is, as far as being able to administer that public meeting.

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The tenor changed when safety became an issue. And we saw on the video, this was after the fourth time that people have been asked to leave, and you saw there were still throngs of people there, and they had no hesitation to being confrontational with the law enforcement officers. Here's a situation where what ends up happening is that the actions within the meeting made it such that they were not going to allow any more public comment within.

Once the public comment was over, they did shut it down because people were standing on chairs, people are yelling and screaming at one another. There's a large number of people. That was the safety issue that -- the determination that was made. People were given numerous opportunities to leave. The direct question was made to Mr. Tigges, are you going to leave without being arrested? And what's your end game? I'm not leaving without being arrested.

MR. KACHOUROFF: Not true.

MS. BIBERAJ: That's what the Sergeant

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testified to. On the video, the Sergeant asks him, sir, Jon, are you willing to leave? No. You will be arrested for trespass. Okay. Officer, please arrest him. This was clear notice to him as to his right to be in that facility was no longer a right that he had because it was -- the invitation had by then been revoked.

And we have that in every business. If you go to a business that's a public business, you are allowed to be there until the person who's in a position of authority says, no longer. In concert with law enforcement, the determination was made that this was no longer a safe situation to continue with. That's why there was a delay of 20 to 30 minutes was also to allow people to speak, to kind of get it out of their system, to walk out, and to allow law enforcement to come in to be able to help direct that.

Everything was done right by the -- Dr. Ziegler. Everything was done right by law enforcement to say, we've just got to move this outside and we're not shutting you down. The

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public comment in front of the school board may be one thing, but the school board was no longer on the dais. So the public comment was just being moved to the outside and they were welcome to do that. You heard Major McDonald say, you can take it outside and you can talk outside. Just go on. Let's go. We've got to go out and leave the room.

I don't know how much more notice could have been provided. I don't know how much more the law enforcement could have done to be able to say, this is no longer appropriate in here. So it was on the trespass issue, this idea that we're just going to throw in the unlawful assembly, that was the words that Dr. Ziegler choose. He said, I just misspoke on that, but the notice is very clear. You are not allowed to be here any longer. Otherwise, you run the risk of being arrested. That's what trespass requires, notice. Notice was very clear.

MR. KACHOUROFF: If I may respond briefly. It's my motion.

THE COURT: Okay. Well --

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MR. KACHOUROFF: Last word, right.

THE COURT: Well, on your motion, you do get --

MR. KACHOUROFF: Correct, correct. So the day-to-day affairs of a CEO don't -- do not include telling shareholders how to run their meeting or has nothing to do with the shareholders. The shareholders here are the school board. They operate on their own meeting, their own assembly, like a little general assembly right there. You know, and the school board executive, being the superintendent, has no right to tell them what to do at all, and that hasn't been established.

If we're going to get technical, I haven't heard one single statute saying that the superintendent -- one single Virginia regulation saying that the superintendent had a right to do what he did, zero. So that day-to-day operations, I think, is crazy. And just moments ago, she said, well, they could have taken it outside. That's not the point. Regardless of the public

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comment, they had a right to be in a public meeting. That's part of the Virginia FOIA statute, the open meeting violation, so that alone, that shows you the weakness of the case. Judge, you can't order people outside. You can end public comment. I get it.

Now that's going to -- that's a completely different issue at this point whether they could or couldn't, but the point is they shut down the entire meeting, the entire public meeting for the public. They were no longer allowed in to observe the board. Now you also heard Major McDonald say, he stayed behind not for the purpose of securing the board, but to listen to an issue the board was going to talk about. So he could sit there as a member of the public and do it, but the rest of the people could not. Why? Because they had shut down the public participation. They'd shut down public access to that room and they should not have.

THE COURT: The Court believes from the totality of the evidence that the requirements of

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18.2-128B have been fulfilled, and the Court finds the Defendant guilty of the offense and imposes a $500 fine with $400 suspended, conditioned on his good behavior for the next 12 months of unsupervised probation. That's a final order. You have a right to appeal this decision within ten days.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Thank you for your time, Judge.

THE COURT: Thank you.

(Off the record at 12:15 p.m.)

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Brendon Cuenca, the officer before whom the foregoing deposition was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of October 2021.

_____

Brendon Cuenca, Notary Public
for the State of Maryland

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CERTIFICATE OF TRANSCRIBER

I, Teresa R. Salazar, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Teresa R. Salazar

_____

Teresa R. Salazar
October 3, 2021

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EXHIBIT H

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LOUDOUN COUNTY PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT
21000 Education Court
Ashburn, Virginia 20148
(571) 252-1020

Scott Ziegler, Ed.D.
Superintendent

Sheriff Mike Chapman,

We are committed to providing our community with good, solid information as we work to provide all students with a safe learning environment.

With that in mind, we are writing to address what may be inaccurate information that was shared at the Board of Supervisors meeting on November 3, and reported in the media last evening.

Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult.

During the quarterly crime update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:
Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office: "I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public Schools when the individual was charged?"

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified."

At this point, LCPS cannot confirm that we have received the required notification of charges from the Loudoun County Sheriff's Office regarding this case.

We request that LCSO forward a copy of the notification of charges, the date it was sent, and to whom it was addressed, directly to the superintendent and principal of Stone Bridge High School, as required by the Code of Virginia. Moving forward, we need a clear understanding of who in the Loudoun County Sheriff's Office will be responsible for communicating this required information with the superintendent and building principal.

We believe our partnership with LCSO is critical in ensuring a safe environment in our schools and overall community.

Best,

Dr. Scott A. Ziegler
Superintendent

Cc: Loudoun County School Board
Loudoun County Board of Supervisors
Col. Mark J. Poland, Loudoun County Sheriff's Office

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EXHIBIT J

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Sheriff Michael L. Chapman

LOUDOUN COUNTY SHERIFF'S OFFICE

P.O. Box 7200, Leesburg, Virginia 20177-7200
803 Sycolin Road SE, Leesburg, Virginia 20175
Telephone 703-777-0407

November 10, 2021

Dr. Scott A. Ziegler
Superintendent
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148

Dear Dr. Ziegler,

This letter is in response to correspondence I received from you on Friday, November 5, 2021 (Attachment #1). In your letter, you state that Loudoun County Sheriff's Office (LCSO) Colonel Mark Poland shared what "may be inaccurate information" to the Board of Supervisors at the November 3, 2021, meeting regarding a sexual assault that occurred at Stone Bridge High School on May 28, 2021. You detail a response by Colonel Poland to Supervisor Matt Letourneau's question as to whether Loudoun County Public Schools (LCPS) was notified of the arrest of the individual who committed the offense. Colonel Poland's response was, "They (LCPS) were absolutely notified."

You fixated your question on whether the arrest notification was made specifically by the LCSO – not on whether you had received "official notification" of the subject's July 9, 2021 arrest. Nothing in your letter addresses the following facts:

- That you knew of the alleged sexual offense the day it occurred.
- That despite a public statement at a School Board meeting on June 22, 2021 denying any knowledge of sexual assaults in any LCPS bathrooms, you sent an email on May 28, 2021 to members of the School Board advising them of the incident – thus invalidating your public statement (see Attachment #2).
- That LCPS was aware of the offense the day it occurred, and an official notification of the suspect's July 9, 2021 arrest was made to LCPS by Juvenile Intake as required by law.
- That LCPS was aware of the Juvenile Intake, Commonwealth Attorney, and Judicial process throughout this case.
- That despite knowing the serious nature of the offense, LCPS decided to place this individual back into (another) high school population.
- That the consequences of that decision resulted in a second student being victimized by the same defendant.

To address your concern more clearly, it is important to recognize Code of Virginia requirements and its application, as well as the sequence of events. You state, "Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such report, on **offenses**, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult." Unfortunately, two critical points were omitted from your letter.

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- The section you refer to, *Code of Virginia §22.1-279.3:1*, stipulates "offenses," not arrests. This offense was reported to the LCPS the day it occurred as evidenced by your email on May 28, 2021. You were unmistakably aware of the offense as you personally reported it to the School Board that same day.
- You failed to articulate that the July 9, 2021 arrest did not occur on LCPS grounds, but at Juvenile Intake while school was on summer recess. All investigations involving minors, that involve Juvenile Intake during the process (as did this case), **require** that Juvenile Intake provide notification to the LCPS regarding certain arrests (sexual assaults included). This is stipulated in §16.1-260 Section G of the Code of Virginia which states, "the intake officer **shall** file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court."

This process was properly followed as evidenced by the timeline of communications below:

- Just prior to the July 9, 2021 arrest, case investigator Detective Czekaj of the LCSO Special Victims Unit, communicated with Mr. Jason Bickmore of the Loudoun County Juvenile Court Service Unit (JCSU). She asked if "we" (LCSO) should make the arrest notification to LCPS. Mr. Bickmore advised that JCSU would make the notification as it is their responsibility to do so. In a post-arrest conversation between Detective Czekaj and Mr. Bickmore, Mr. Bickmore confirmed the notification was sent by letter to LCPS, which LCPS could then disseminate for safety purposes.
- On October 27, 2021, conversations about this case occurred between Sergeant Promisel and Mr. Bickmore (JCSU). On that date, Mr. Bickmore advised Sergeant Promisel that he was "surprised" that LCPS, in conjunction with the Commonwealth Attorney's Office, had determined to place the defendant in another school.
- The fact that all required notifications were made to LCPS was further validated on October 28, 2021, by Greg Davy, the Virginia Department of Juvenile Justice Public Information Officer, who was quoted by WTOP stating, *"notifications required by 16.1-260G of the Code of Virginia are met in the Loudoun District Court Service Unit by mailing a hard copy notification letter to the office of the District Superintendent of Schools."* It is critical for arrest notifications to be made under this Virginia law, by the JCSU, as many incidents involve arrests made by outside jurisdictions other than where the offender resides. Therefore, the JCSU, which is considered a state agency, can assure notifications are made to the proper school system.
- On October 28, 2021, Lieutenant Colonel Bobby Miller confirmed with Mr. Ira Holland, Director of Loudoun County Juvenile Court Service Unit, that a notification was made to LCPS. Mr. Holland stated, *"we followed the law."*
- Finally, on November 8, 2021, Mr. Bickmore informed Sgt. Promisel, that in late August 2021, he had conversations with both Mr. Doug Fulton, Director of School Administration, and Mr. Dave Spage, the Principal of Broad Run High School, regarding the defendant's court-ordered disposition.

The sequence of events and review of applicable Virginia Codes clearly demonstrate that you and your leadership staff at LCPS were aware of the offense; the suspect's arrest; and the judicial process involving the Commonwealth Attorney's Office, Juvenile Intake, and Juvenile Court from the time of the original sexual assault to the time of the defendant's conviction. Despite that, LCPS opted to place this individual in another school where a second sexual assault allegedly occurred. If there were any lapses in

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communication directly to you throughout this process that impacted your decision making, it would seem it occurred within LCPS' own administration.

Finally, I noticed that you commissioned an "independent" review, which I assume will be paid for by the LCPS using Loudoun County taxpayer dollars. You announced this a day after incoming Attorney General Jason Miyares stated publicly that he intends to investigate this incident. While I believe an independent review would be helpful, I have concerns of the legitimacy of such a review conducted at your direction. As the Attorney General is accountable to the citizens of Virginia, I feel an Attorney General review is the most objective way to move forward on this issue.

Please feel free to contact me if you have any questions or concerns. Thank you.

Sincerely,

Michael L. Chapman
Sheriff

cc: Loudoun County Public Schools School Board
Loudoun County Board of Supervisors

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EXHIBIT I

AMERICAN OVERSIGHT

From: [redacted]
Sent: Friday, March 12, 2021 9:55 PM
To: Atoosa Reaser <Atoosa.Reaser@lcps.org>; scott.ziegler@lcps.org <scott.ziegler@lcps.org>
Cc: mike.chapman@loudoun.gov <mike.chapman@loudoun.gov>; stephen.devita@lcps.org <stephen.devita@lcps.org>; Brenda Sheridan <brenda.sheridan@lcps.org>; ian.serotkin@lcps.org <ian.serotkin@lcps.org>; jeff.morse@lcps.org <jeff.morse@lcps.org>; harris.mahedavi@lcps.org <harris.mahedavi@lcps.org>; leslee.king@lcps.org <leslee.king@lcps.org>; john.beatty@lcps.org <john.beatty@lcps.org>; bos@loudoun.gov <bos@loudoun.gov>
Subject: Teacher bashing parents

Atoosa and Dr. Ziegler,

There is a group on Facebook called Anti-Racist Parents of Loudoun County.

As you can see in one post below, Beth Barts, not acknowledging she is not speaking on behalf of the board, started a frenzy of a conversation.

Soon thereafter, the other post and comments below began from this [redacted], better known as [redacted], a teacher at [redacted], to go after parents she "thinks" are against CRT.

This is not ok, by anybody, but from a teacher is unexceptionable. A student would be in trouble for this. Why isn't a teacher held accountable? Honestly, this post is beyond scary and disturbing. My heart has been pounding since this was brought to my attention. Are they coming after me because of my view they don't even know about? Do I need to keep guard at my front door? Maybe I should consider myself lucky because they don't know my "legal" name.

This needs to stop. This teacher threatening parents, to the point one just told me she has to tell her HR on Monday in fear of losing her job, is not ok.

I can't beg you enough; please make her stop. She is a teacher. And the fact that there are other board members in this group not putting it to a stop is shameful.

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Exhibit J

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PROFESSIONAL CONDUCT

The Loudoun County School Board expects all staff, as public employees, to recognize that they are in a position of public trust and are held to the highest standard of personal and professional conduct, serving as role models, influencing and shaping young lives, and representing the school division. It is the policy of the School Board to promote and foster work and educational environments that demonstrate the principles of respect, professionalism, civility, and inclusivity.

As stewards of the school division, employees are expected to convey these principles to students, parents, colleagues, and the school community through their actions and day-to-day activities during and after school or work hours, whether on or off school board property, including the property of any school, office, or facility. As public employees, it is important that employees are mindful of the potential impact of their behaviors and actions that occur outside of their job responsibilities and work hours.

A. Expectation of Professionalism. Employees are expected to perform all assigned job duties in accordance with performance standards and job-specific requirements (to include attendance-related policies, procedures, and guidelines). Employees are expected to conduct themselves professionally, to treat all individuals with dignity, respect, and civility, and to demonstrate a commitment to an inclusive, safe and supportive work and educational environment where individuals from diverse backgrounds work together to pursue the shared mission of the school division. Unacceptable behavior includes but is not limited to:

1. Bullying behavior against staff or students as defined in School Board Policy 7014 (Environments Free From Harassment, Discrimination, and Abuse) and School Board Policy 8250 (Bullying Prevention and Education);
2. Acts of physical violence or threats of violence or harm towards others;
3. Theft of any kind;
4. Shouting, yelling, or raising one's voice in a hostile, angry, or threatening manner;
5. Intentionally damaging school board or privately-owned property, or acts of negligence that result in damage to property;
6. Disrespectful, discourteous, uncivil, disparaging, or demeaning words, gestures or actions;
7. Using, selling, dispensing, possessing, manufacturing, or being under the influence of illegal drugs and narcotics or alcohol as defined in School Board Policy 7550 (Drug- and Alcohol-Free Workplace); or
8. Failure to adhere to School Board policies and regulations, state and federal laws and regulations, and school- or department-based procedures and guidelines.

B. Commitment to Equitable Treatment. The Loudoun County School Board is committed to an equitable and inclusive work and educational environment for employees and students. As outlined in the Superintendent's Statement on Equity, Loudoun County Public Schools reject racist and other racially motivated behavior and language, recognizing

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that it encourages discrimination, hatred, oppression, and violence. Employees are expected to support the school division's commitment to action-oriented equity practices through the performance of their job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language and actions motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability. Behavior that will not be tolerated includes but is not limited to:

1. Harassing or discriminatory comments or conduct including speech or other telephone, electronic, or social media communication that:

a. is motivated in whole or in part by a bias against an individual's race, national origin, ancestry, color, sex, sexual orientation, perceived sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, age, religion, disability, genetic information, or veteran status; or

b. can reasonably be interpreted as discriminatory, racially or ethnically derogatory, defamatory, or as undermining the views, positions, goals, policies or public statements of the Loudoun County School Board or its Superintendent when such comments or conduct create the reasonable apprehension of a disruption or disrupt the operations or efficiency of LCPS.

2. Use of racial insults or slurs regardless of intent. For example, it is unacceptable to use a racial insult or slur in responding to or addressing a situation in which an individual has used a racial insult or slur.

3. Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices, and which impact an individual's ability to perform their job responsibilities or create a breach in the trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communication.

C. Recognition of Appropriate Employee-Student Boundaries. Employees are expected to establish and maintain appropriate physical, social and emotional boundaries with students. Unacceptable behavior includes but is not limited to:

1. Grooming, Sexual Misconduct, and Sexual Abuse. Grooming is a method used by adults that involves building trust and/or attempting to build trust with children and/or adults for the purpose of developing an inappropriate relationship. Grooming, sexual misconduct, and sexual abuse are egregious breaches of an educator's professionalism and duty to protect children and are strictly prohibited.

a. Per School Board Policy 7530 (Duty to Report Child Abuse and Neglect), allegations of behaviors that constitute grooming, sexual misconduct, or other forms of abuse or neglect must be reported to

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Child Protective Services (or Adult Protective Services, as applicable) and appropriate law enforcement agencies.

b. Behavior that violates this policy includes but is not limited to the following:

(i) Sexual or romantic invitations to students;
(ii) Dating students or soliciting dates with students;
(iii) Engaging in sexualized dialogue with students;
(iv) Making suggestive comments to students or in the known presence of students;
(v) Physical exposure of a sexual, romantic, or erotic nature;
(vi) Self-disclosure of a sexual or erotic nature to students or in the known presence of students; or
(vii) Sexual contact or inappropriate overtures to students whether they be physical, verbal, non-verbal, written or electronic.

c. Engaging in an intimate, romantic, or sexual relationship with a student after the student's graduation, combined with credible allegations of engaging in grooming behaviors with the student before graduation, will result in an investigation. Substantiation that such grooming behaviors occurred before the student's graduation will lead to disciplinary action up to and including termination.

2. Inappropriate or Intimate Social Relationships and Communication. The boundary of the employee-student relationship must be maintained at all times. Examples of behaviors that constitute an inappropriate or intimate social relationship or communication with a student include but are not limited to:

a. Conversations and comments of an intimate, romantic, or sexual nature;

b. Commentary on a student's physical appearance or clothing that could reasonably be interpreted as sexual, flirtatious, or harassing;

c. Physical contact with students that could reasonably be interpreted as sexual harassment or as having sexual or flirtatious intentions;

d. Telephonic or electronic communication, including social media contact, unrelated to school activities to include but not limited to connecting with, following, or friending students via social media or email accounts;

e. Prolonged, frequent, or private contact between an employee and student during or outside school hours that is unrelated to academics or school activities;

f. Singling out students for flirtation, friendship, or personal attention beyond the bounds of the employee-student relationship;

g. Singling out students for receipt of gifts;

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h. Transporting students in personal vehicles without the knowledge of a parent/guardian or a supervisor, outside of case-by-case approval by a supervisor for an exception to transport the student in the event of an emergency or unusual circumstance; or

i. Entering the home of a student without the knowledge of and presence of a parent/guardian.

All forms of contact and communication with students must be transparent, accessible to supervisors and parents, nonsexual, unambiguous in meaning, and professional in reference and content. If an employee feels that a student is contacting or engaging with them inappropriately or that the student is attempting to blur the line of their relationship, the employee will seek immediate guidance from their supervisor.

D. Duty To Report. Employees with supervisory responsibilities are expected to encourage professional, respectful, civil, equitable, and inclusive work and educational environments for employees and students, and to address issues of unprofessionalism. Employees who feel they have been subjected to conduct that may violate the expectations outlined within this policy, or who have witnessed such conduct, should notify their supervisor immediately. Students who feel they have been subjected to conduct that may violate the expectations outlined in this policy, or who feel they have witnessed such conduct, should notify a building administrator, school counselor, or the Department of Instruction's School Administration Office.

1. If the concern is about the employee's supervisor, the employee will report the complaint to the supervisor's supervisor, department head, or the Department of Human Resources and Talent Development.

2. Employees must also ensure they are following reporting requirements outlined in other relevant School Board policies to include but not limited to School Board Policy 7530 (Duty to Report Child or Student Abuse and Neglect) and School Board Policy 7550 (Drug- and Alcohol-Free Workplace). Any employee who becomes aware of sexual harassment by any means is obligated to immediately report it to their supervisor who will, in turn, report the matter to the Title IX Coordinator. Failure to follow reporting requirements is considered a violation of this policy.

3. Employees are also encouraged to report violations of LCPS's commitment to equitable treatment of students and staff to their immediate supervisor or principal.

E. Protected Speech. Nothing in this policy or any other policy shall be interpreted as abridging an employee's First Amendment right to engage in protected speech, however, based upon an individualized inquiry, speech, including but not limited to via social media, on matters of public concern may be outweighed by the school division's interest in the following:

1. Maintaining efficiency of the school system;

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2. Preventing disruption or a reasonable apprehension of a disruption of the learning and working environment;

3. Maintaining public trust and confidence at all times;

4. Fostering close personal relationships among and between staff and parents;

5. Promoting internal LCPS and external community harmony and peace; and

6. Establishing and maintaining a tranquil learning and working environment.

7. Achieving consistent application of the Board's and Superintendent's stated mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism.

F. Provision Against Retaliation. Employees are prohibited from retaliating against an individual for raising concerns of potential violations of this policy. Individuals who knowingly make false complaints under this policy are subject to disciplinary action. Reasonable, good faith beliefs that this policy has been violated will not result in discipline if the concerns raised are later proven untrue.

Adopted: 10/10/72
Revised: 6/22/93, 4/26/16
Current Revision: xx/xx/xx

Legal Refs: § 22.1-291.4, § 1-276.01

Cross Refs: Policy 7014, Environments Free From Harassment, Discrimination and Abuse, Policy 7016, Employment Complaints, Policy 7312, Evaluation of Licensed, Classified, and Administrative Staff, Policy 7530, Duty to Report Child Abuse and Neglect, Policy 7550 Drug- and Alcohol-Free Workplace, Policy 8250, Bullying Prevention and Education, Duty to Report Sexual Harassment as provided by Title IX Regulations, 34 C.F.R. Part 106.

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EXHIBIT K

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From: Sullivan, Christy [VA]
To: Scott Ziegler
Cc: Sandy Sullivan; Byrd, Kelly [VA]; Sullivan, Christy [VA]
Subject: [EXTERNAL] RE: Regulations 7560 and 7030
Date: Thursday, October 1, 2020 9:23:33 AM

Scott,

How soon do you think we can get a copy of the staff changes to Policy 7560? We would like to review it tomorrow prior to the School Board meeting on Tuesday.

Also, we would appreciate a written reply to the email we sent you last Thursday.

Thank you.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA] <CSullivan@veanea.org>
Sent: Thursday, September 24, 2020 3:50 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Byrd, Kelly [VA] <Kbyrd@veanea.org>; Sullivan, Christy [VA] <CSullivan@veanea.org>
Subject: Regulations 7560 and 7030

Scott,

I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed Policy 7560 ahead of time. LEA has always received all proposed Policies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You, Jeff Morse, and I even had email conversations about making sure that happened. Kelly was at the virtual SB HRTD meeting; the Policy was not discussed prior to public comments. You and I **briefly** talked about the Policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the Policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.

LEA does have concerns, the same concerns brought forward by School Board members at their last meeting. LEA agrees with Ms. Barts and Mr. Serotkin about Section 2 on page 3 not being clear

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enough for parents and students whose family are friends or friends with their own children. Ms. Corbo asked question on the other item LEA is concerned about. Section E, on pages 4 and 5 on Protected Speech, has brought forth a lot of emails from our members. The word **HOWEVER** at the end of line 173 makes it sound like employees have first amendment rights **HOWEVER** their first amendment rights might be outweighed by the school division's interest in the following, which goes on to seven additional points. The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech.

We would appreciate seeing the changes being made by staff prior the School Board taking action on the Policy at their next meeting.

Additionally, I sent you an email on August 21 (see below) with feedback on Regulation 7030 and I have yet to receive a response. We look forward to your response on Regulation 7030.

Scott, we may not always agree on wording. It is our hope LEA will receive a copy, which has been practice for a long time, of all proposed policies the same day they go the School Board or the SB HRTD committee. Timeliness will give LEA a few days prior to Policies being discussed at School Board meetings.

We look forward to your response.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA]
Sent: Friday, August 21, 2020 3:07 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Kelly Byrd - VEA (Kbyrd@veanea.org) <Kbyrd@veanea.org>; Christy Sullivan <csullivan@veanea.org>
Subject: Regulation 7030

Scott,

Thank you for your explanation of the Regulation 7030 during our conversation yesterday. We are very concerned this was released during a pandemic when most employees are teleworking and there is no distinction in the regulation as to whom the new telework section applies to.

We do have some questions/concerns to share with you:

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D.1.a. Will all eligible positions *immediately* have the telework designation in their job description?

D.4.k. We have received the most complaints about the first sentence in k. Employees feels this statement is condescending and not necessary. Many teachers have wondered if this applied to them during the pandemic. Thank you for clarifying it does not. However, we would like the first sentence struck from this paragraph. It is condescending and unnecessary.

Please send us a copy of the telework agreement the employee and supervisor would sign.

I would appreciate your agreement that school-based positions are covered under section E. and not section D.

Why was this regulation released right now? It certainly has stirred up a hornet's nest since employees believe the entire regulation applies to them (including school-based employees).

I look forward to your reply; it will help us clarify this regulation when employees contact the LEA for clarification.

Christy W. Sullivan
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csullivan@veanea.org

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Exhibit L

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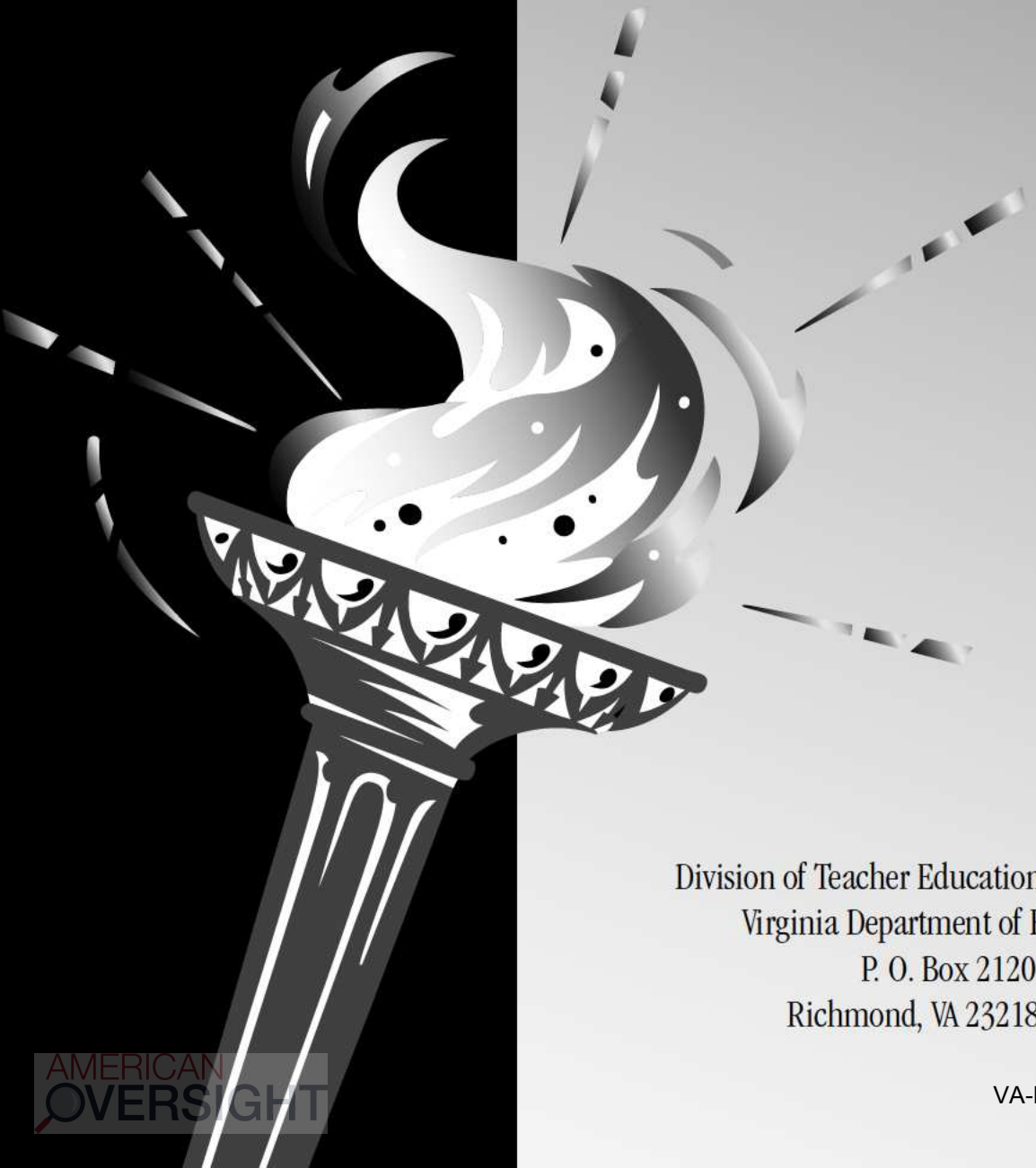
Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents



Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

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VA-DOE-22-0316-B-001628

Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents

Guidelines Developed in Response to
Education Accountability and Quality Enhancement Act of 1999
(HB 2710 and SB 1145)

Adopted by the Virginia Board of Education
January 6, 2000

Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

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Foreword

Recent education reform efforts in Virginia include: (1) the revision of the Standards of Learning in four basic subject areas—English, mathematics, science, and history and social science, (2) implementation of new tests to assess the performance of students, schools, and school divisions, (3) revision of the state's standards of accreditation to establish clear expectations and consequences for students and school performance, and (4) the development of a school report card. These reform efforts clearly effect the role and expectations of teachers, administrators, and superintendents. The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents* were developed as a result of the Virginia education reform efforts and the 1999 Education Accountability and Quality Enhancement Act (HB2710 and SB1145) approved by the Virginia General Assembly and signed into law by Governor Gilmore.

These guidelines provide the framework for school divisions to use to develop evaluation criteria for teachers, administrators including instructional central office personnel and principals, and division superintendents. They are intended to provide guidance for school boards in the development of evaluation policies and procedures. Through these guidelines, the role and expectations of those individuals having the most effect on student learning and achievement will become clearer. They also provide continuity between the roles of teachers and administrators and their impact on student achievement.

It is anticipated that the Department of Education will continue the next phase of this initiative by developing prototype instruments in the three areas. These sample instruments may be used to guide school division personnel in designing evaluation tools for annual personnel performance. In the meanwhile, as you review and use The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents*, please inform us of comments that may enhance this effort by contacting the Division of Teacher Education and Licensure, Virginia Department of Education, at (804) 371-2522.

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VA-DOE-22-0316-B-001630

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VA-DOE-22-0316-B-001631

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VA-DOE-22-0316-B-001632

Acknowledgments

Personnel in the Virginia Department of Education acknowledge with appreciation the contributions of many educators in developing the Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents. The Department of Education also acknowledges the exemplary work of the Advisory Committee on Teacher Education and Administrator Evaluation representing division superintendents, principals, teachers, school division central offices, higher education, school boards, and professional organizations.

Appreciation is extended to Susan T. Noble, member of the Board of Education and Board of Education Liaison to the Advisory Board on Teacher Education and Licensure, for her contributions in the development of the guidelines. Special thanks also go to James H. Stronge, Heritage Professor, Educational Policy, Planning, and Leadership, School of Education, The College of William and Mary; Pamela Tucker, Assistant Professor, Department of Leadership, Foundations, and Policy, University of Virginia; and Michael DiPaola, Associate Professor, Educational Planning, Policy, and Leadership, School of Education, The College of William and Mary, who served as facilitators for the task force in developing the proposed guidelines.

Questions or inquiries about this document should be directed to Dr. Thomas A. Elliott, Assistant Superintendent, Division of Teacher Education and Licensure, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120.

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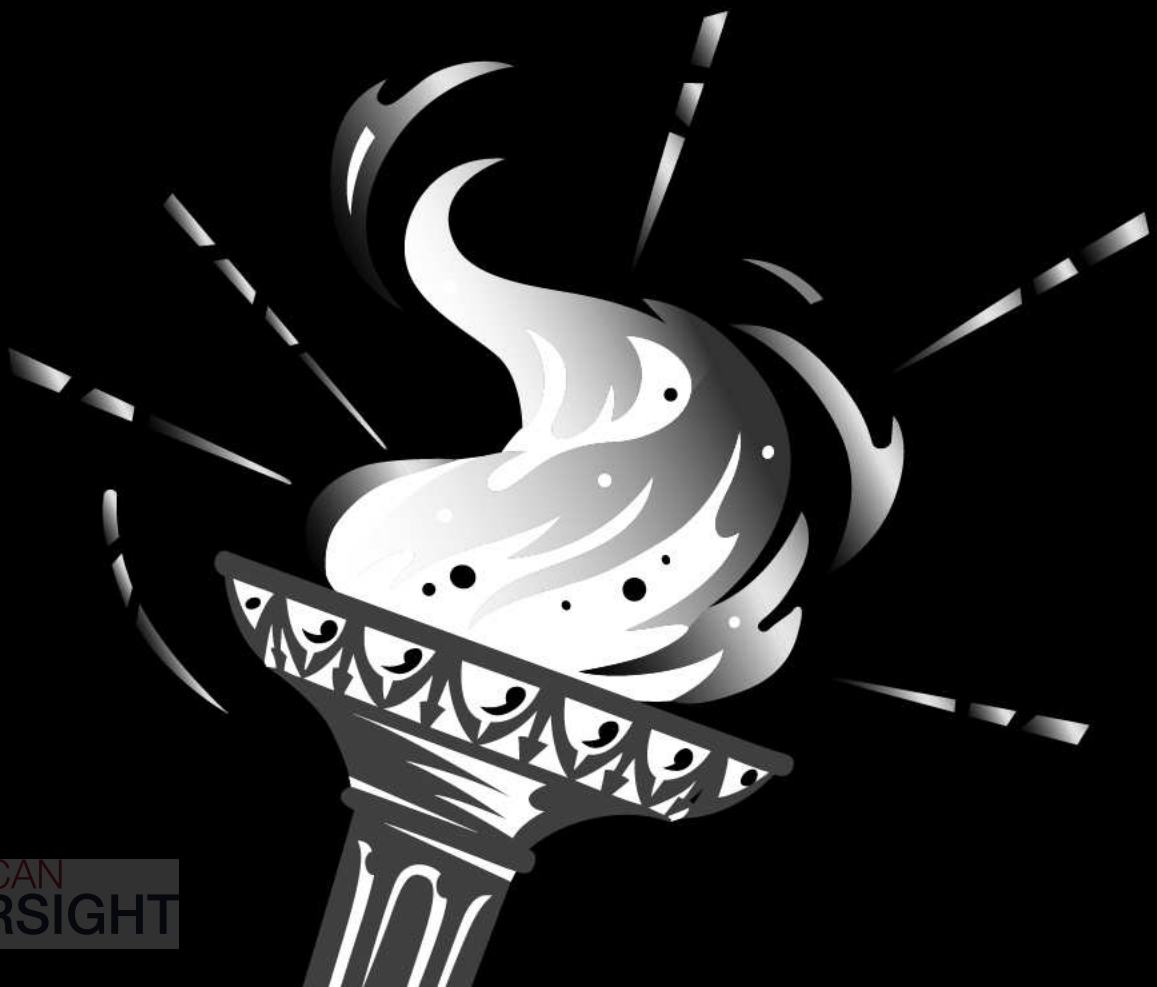
VA-DOE-22-0316-B-001633

Background



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Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents

Proposed Guidelines Developed in Response to Education Accountability and Quality Enhancement Act of 1999 (HB 2710 and SB 1145)

Introduction

The expectations of public education have changed substantially in the last quarter century. Schools and school personnel at all levels must respond in a direct and convincing manner to address rigorous academic expectations for all students. Schools are expected to teach all children, regardless of the level of skills or personal circumstances they present, to a high level of academic achievement for the unfolding information age. In order to succeed in this most important endeavor, schools must modify their standard service delivery model to adapt to individual student learning needs. Everyone from classroom teachers to school division superintendents, must make the learning of every student the priority driving all other professional responsibilities. Teachers must make instruction meaningful and effective for children at all academic levels. Principals must focus the collective efforts of all school personnel on the primary goal of improving student learning. Superintendents and central office personnel must plan and support instructional programs that facilitate student achievement at the school and classroom levels.

The *Education Accountability and Quality Enhancement Act of 1999* (HB 2710, SB 1145) passed by the Virginia General Assembly mandates the development of strategies to recognize and develop these heightened responsibilities of educators. This Act addresses the evaluation and training of teachers, assistant principals, principals, central office personnel, and superintendents, with a primary focus on student achievement and safety. Additionally, the mentoring of new teachers and those experiencing difficulties is included as part of the training continuum for all teachers. Salary supplements for teachers receiving National Board Certification are also part of this legislation, with the intent of recognizing truly exceptional classroom teachers. Collectively, the elements of this legislation offer supportive strategies for educators to become more productive and educationally accountable.

The sections of the *Education Accountability and Quality Enhancement Act* applicable to personnel evaluation are as follows:

Superintendent evaluation: The Board of Education shall develop guidelines for uniform performance standards and criteria to be used by local school boards in evaluating superintendents. These standards and criteria shall include, but not be limited to, assessing teacher and administrator skills and knowledge, improving student academic progress, providing for school safety, and enforcing student discipline. (§22.1-60.1)

Administrator evaluation: Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. (§22.1-294)

Instructional personnel evaluation: School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is

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> appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge. (§22.1-295)

This document sets forth the basic framework for the educator evaluation component of the *Education Accountability and Quality Enhancement Act.*

Rationale

Evaluation criteria can have powerful symbolic value because they embody the values and expectations of the public regarding the functions of school personnel, particularly regarding teaching and learning. If those criteria are then used as a yardstick to judge the effectiveness of educators, they help to focus assessment efforts on self-growth, instructional effectiveness, and improvement of overall job performance. The use of clear evaluation criteria for teachers, principals, central office administrators, and superintendents serves as a foundation for a fair and comprehensive evaluation system that provides sufficient detail and definition so that educators and their supervisors can reasonably understand job expectations.

The evaluation criteria delineated herein were developed as a direct effort of the Virginia Department of Education to provide meaning and to give substance to the *Education Accountability and Quality Enhancement Act*, based on the collective expertise of the State Advisory Committee selected for this purpose. The Advisory Committee's work was developed with the intent of designing a document that integrates the multiple strands of the accountability reform efforts currently underway in Virginia, including the following key purposes:

- Design evaluation criteria that are consistent with and supportive of Virginia's Standards of Learning and Standards of Accreditation and that encompass other state statutory and policy requirements;
- Develop evaluation criteria that encourage educators and policymakers to focus on performance in key areas of student achievement and safety;
- Create a seamless approach to connecting
  - new employee mentoring
  - job expectations
  - job performance
  - employee evaluation
  - employee professional development (performance improvement)
  - school improvement;
- Clarify expectations for educators who are new to the positions of teacher, assistant principal, principal, central office administrator, and superintendent;
- Provide a context for improving employee performance (e.g., opportunity to describe and discuss performance with supervisors, peers, mentors, and other experienced educators);
- Design evaluation criteria that are consistent with pre-service teacher and administrator preparation programs;
- Provide structure and guidelines that facilitate quality evaluations and encourage consistency across schools and school divisions;
- Provide a structure for focusing improvement efforts within and across Virginia's schools; and
- Focus attention and resources on student learning in a comprehensive and concerted fashion.

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Development Process

To respond to the many provisions of the *Education Accountability and Quality Enhancement Act*, the Virginia Department of Education enlisted the assistance of consultants from The College of William and Mary and the University of Virginia with expertise in the area of personnel evaluation. The consultants provided background research and assistance with development of the evaluation guidelines for consideration by the Department of Education's staff and the State Advisory Committee. The consultants were also charged with reviewing national standards for the evaluation of teachers, principals, and superintendents to provide a solid foundation for the evaluation criteria guidelines to be used in Virginia.[1] In addition, current evaluation criteria used in selected Virginia school divisions and school districts across the country were examined with the purpose of embedding widely respected professional standards in Virginia's evaluation framework while also reflecting the educational priorities set forth by the General Assembly.

The Advisory Committee was composed of superintendents, principals, teachers, professors of education, community members, and representatives of professional organizations that have expertise to offer the process and who hold a vested interest in a well-articulated evaluation system. The committee met during the summer and fall of 1999 to offer direction in the development process and reactions to proposed evaluation criteria. Based on guidance from the committee and the Department of Education, this document was developed.

Intended Use

As set forth in the *Education Accountability and Quality Enhancement Act*, these evaluation criteria are intended to provide guidance for local school boards to consider in the development of evaluation policies and procedures for superintendents, building and central office administrators, and teachers. They are intended to reflect the priorities of the Board of Education and provide recommended guidelines for use in school divisions; however, they are not intended to be prescriptive in nature.

1 *Primary professional association standards consulted in the design of this work included those of the American Association for School Administrators, the Interstate School Leaders Licensure Consortium, and the Interstate New Teacher Assessment and Support Consortiu*m.

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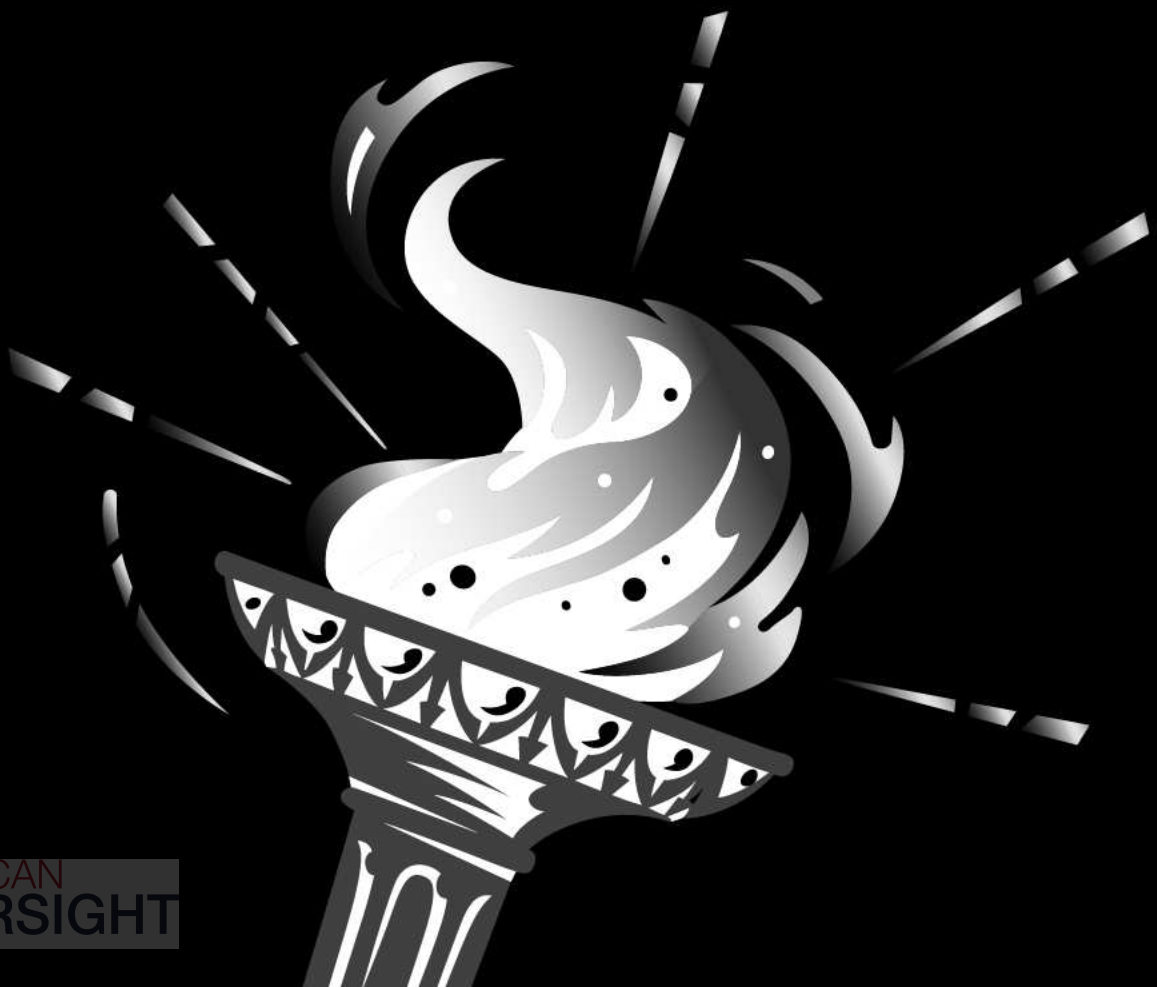
Evaluation Criteria for Teachers, Administrators, and Superintendents



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Evaluation Criteria for Teachers, Administrators, and Superintendents

Introduction to the Evaluation Criteria

The *Education Accountability and Quality Enhancement Act of 1999* requires the development of "defined criteria for a performance evaluation process" for teachers, principals, assistant principals, supervisors, and division superintendents. During the development process, the Advisory Committee agreed that sets of evaluation criteria were necessary for three distinct roles: a) teacher; b) principal, assistant principal, and supervisor; and c) division superintendent. While there are differences in the roles of principals, assistant principals, and central office supervisors for instruction, the committee found that their actual job responsibilities often are similar, varying in scope but not substantially in content. As a result, a common set of evaluation criteria was written for the principal, assistant principal, and central office supervisor. They are referred to collectively as the "Administrator" criteria.

The framework for evaluation criteria is organized by five major categories that reflect primary responsibilities of educational personnel. The five general categories for division superintendents, administrators (principals, assistant principals, and supervisors), and teachers are listed below. While they are substantially similar, they differ where necessary to reflect the scope and focus of the work for each position.

Descriptions of Major Categories

1. **Planning and Assessment.** For teachers, this category includes the responsibilities for evaluating and providing students with feedback that encourages student progress and measures student achievement. Based on a variety of assessments, content knowledge, and student knowledge, the teacher plans appropriate instruction.

   For administrators and superintendents, this category includes responsibilities for assessing instructional programs and personnel and for planning responsive improvement plans to promote student learning.

2. **Instruction.** For teachers, this category encompasses the critical skills that determine the quality of classroom instruction. The major responsibilities include implementing a variety of activities consistent with instructional objectives and selecting instructional methods compatible with students' abilities, prior knowledge, and learning styles.

   For administrators and superintendents, this category is termed **Instructional Leader-**

Major Categories of Evaluation Criteria

Teachers

- Planning and Assessment
- Instruction
- Safety and Learning Environment
- Communication and Community Relations
- Professionalism

Administrators and Superintendents

- Planning and Assessment
- Instructional Leadership
- Safety and Organizational Management for Learning
- Communication and Community Relations
- Professionalism

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ship and focuses on the support and leadership provided in the areas of personnel, curriculum, and staff development for the explicit purpose of enhancing instructional programs.

3. **Safety and Learning Environment.** The category of safety and learning environment includes the teachers' responsibilities for planning and demonstrating effective routines and procedures that create an organized and positive learning environment.

   For administrators and superintendents, this category is called **Safety and Organizational Management for Learning** and refers to responsibilities for the management and oversight of the organization's operations and climate, with particular attention to ensuring safety and meaningful student learning.

4. **Communication and Community Relations.** The category of communication and community relations describes the responsibilities of teachers to use effective communication strategies in working with students, parents, and members of the community to promote broad support for student learning.

   For administrators and superintendents, this category refers to the use of a systematic method of two-way communication to promote understanding, support, and continuous improvement of the organization's programs and services within schools and the larger community.

5. **Professionalism.** This final category speaks to the basic responsibilities of all professional educators and defines the responsibilities for demonstrating a commitment to professional ethics and growth and for complying with school divisions' policies and procedures.

Definition of Evaluation Criteria

The framework for the evaluation criteria of the three professional roles of teacher, administrator, and division superintendent is defined using a three-tiered description:

- Major Categories of Evaluation Criteria,
- Evaluation Criteria, and
- Performance Indicators.

The three levels of specificity are intended to describe the responsibilities of each role with sufficient detail and accuracy so that teachers, administrators, and superintendents can reasonably understand the job expectations. The major categories of evaluation criteria described above are further defined with specific evaluation criteria listed in the next three sections, one for each role. In addition to the evaluation criteria, sample performance indicators are provided in Appendix A for teachers, Appendix B for administrators, and Appendix C for superintendents.

TEACHER Evaluation Criteria

Planning and Assessment

- **The teacher** designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
- **The teacher** plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.
- **The teacher** diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

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- **The teacher** uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

- **The teacher** identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Instruction

- **The teacher** understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

- **The teacher** understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

- **The teacher** uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

- **The teacher** selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Safety and Learning Environment

- **The teacher** actively implements a discipline policy that fosters a safe and positive environment for students and staff.

- **The teacher** manages classroom procedures to maximize academic learning time.

- **The teacher** establishes and maintains rapport with students.

- **The teacher** creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Communication and Community Relations

- **The teacher** uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

- **The teacher** forges partnerships with families to promote student learning at home and in the school.

- **The teacher** works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Professionalism

- **The teacher** models professional, moral, and ethical standards as well as personal integrity in all interactions.

- **The teacher** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

- **The teacher** works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

- **The teacher** provides service to the profession, the division, and the community.

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ADMINISTRATOR
Evaluation Criteria: Principals, Assistant Principals, and Central Office Instructional Personnel

Planning and Assessment

- **The administrator** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The administrator** collaboratively develops and implements a school improvement plan that results in increased student learning.
- **The administrator** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The administrator** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The administrator** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The administrator** supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The administrator** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The administrator** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The administrator** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The administrator** maintains effective discipline and fosters a safe and positive environment for students and staff.
- **The administrator** effectively coordinates the daily operation of the assigned area of responsibility.
- **The administrator** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The administrator** demonstrates effective organizational skills to achieve school, community, and division goals.

Communication and Community Relations

- **The administrator** promotes effective communication and interpersonal relations with students and staff.
- **The administrator** promotes effective communication and interpersonal relations with parents and other community members.
- **The administrator** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

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Professionalism

- **The administrator** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The administrator** works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.
- **The administrator** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The administrator** provides service to the profession, the division, and the community.

SUPERINTENDENT
Evaluation Criteria

Planning and Assessment

- **The superintendent** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The superintendent** organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.
- **The superintendent** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The superintendent** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The superintendent** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The superintendent** oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The superintendent** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The superintendent** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The superintendent** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The superintendent** actively supports a safe and positive environment for students and staff.
- **The superintendent** develops procedures for working with the board of education that define mutual expectations, working relationships, and strategies for formulating division policies.
- **The superintendent** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The superintendent** demonstrates effective organizational skills to achieve school, community, and division goals.

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Communication and Community Relations

- **The superintendent** promotes effective communication and interpersonal relations within the school division.
- **The superintendent** establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.
- **The superintendent** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Professionalism

- **The superintendent** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The superintendent** works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.
- **The superintendent** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The superintendent** provides service to the profession, the division, and the community.

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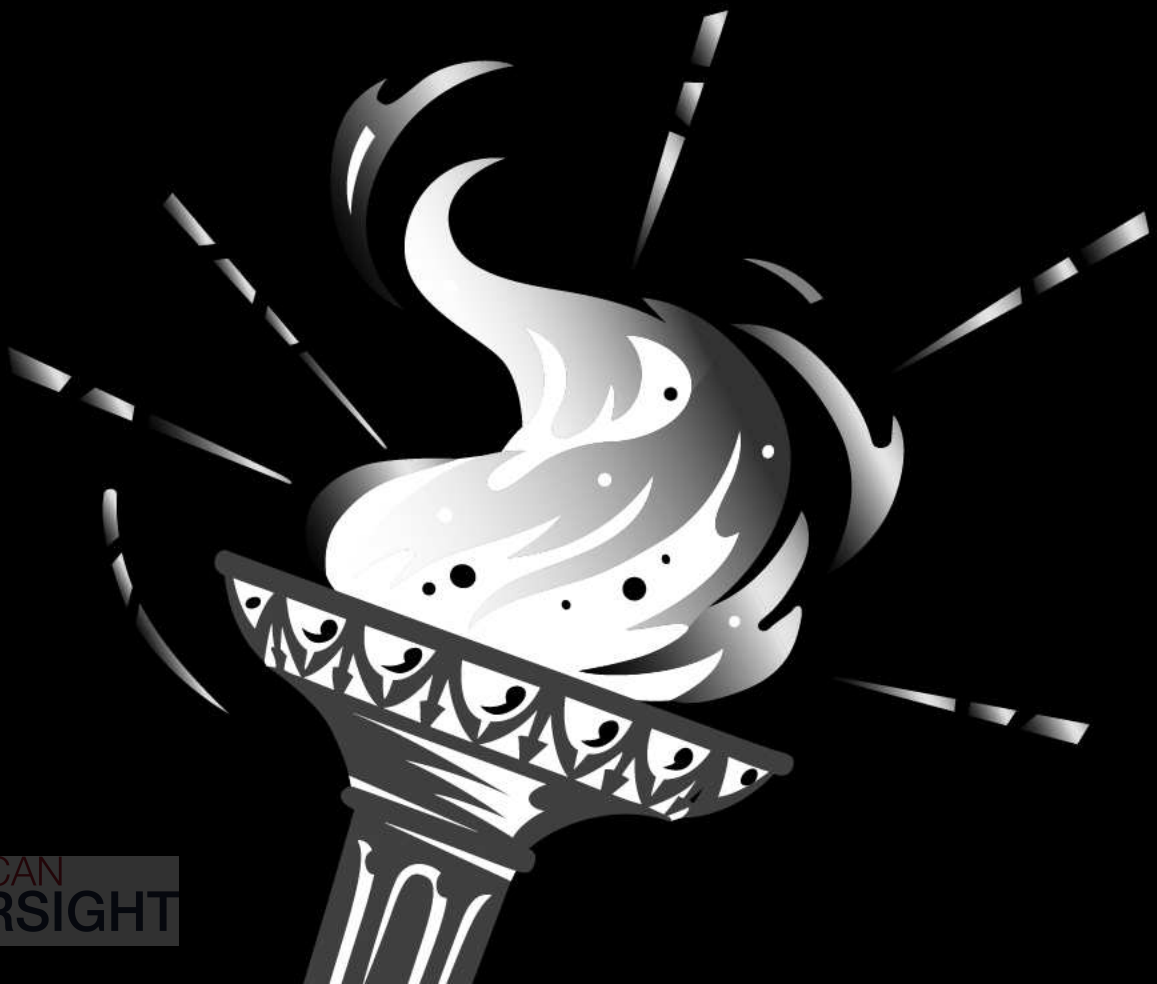
Recommendations for Implementation



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Recommendations for Implementation

Next Steps for Use by Local School Divisions

Local school boards must become familiar with their responsibilities as specified by the *Education Accountability and Quality Enhancement Act of 1999* and devise an implementation plan for compliance. One section of the Act (§22.1-294 B.) requires the adoption of "defined criteria for a performance evaluation process" for professional educators. The evaluation criteria recommended in this document may be modified or used as is by local school divisions to achieve that goal. School divisions are urged to consider their organizational goals and review their policy on evaluation carefully before proceeding with a review of their evaluation system and criteria. Policy should reflect organizational goals, and division goals should shape the job descriptions for all employees within the division. Using job descriptions as a starting point, the evaluation criteria offered in these guidelines then can be used to define further the expectations of teachers, principals, assistant principals, supervisors, and school superintendents.

If guidelines are used to modify existing personnel evaluation system:

- Review these guidelines for consistency with local policy for personnel evaluation, stated purposes of evaluation, and substance of existing evaluation criteria.
- Make modifications to the existing evaluation system based on the requirements of the *Education Accountability and Quality Enhancement Act of 1999*, these guidelines, and local needs.
- Give special consideration to the integration of student learning measures in the evaluation of professional educators.

If guidelines are used to develop new personnel evaluation system:

- Review guidelines for consistency with local policy for personnel evaluation and stated purposes of evaluation.
- Consider evaluation criteria and descriptors based on job descriptions.
- Modify evaluation criteria and descriptors to reflect local goals, job descriptions, and priorities.
- Select appropriate information collection strategies such as
  - observations - scheduled/unscheduled, in class/other arenas;
  - client surveys - students, parents, peers;
  - review of documents - lesson plans, grade books, parent communication, etc.;
  - goal statements and evidence of achievement;
  - miscellaneous - discipline referrals, test results, knowledge of professional contributions, community support;
  - measures of student learning.
- Delineate a schedule for information collection and evaluation reports, including
  - differentiation for tenured and non-tenured professionals,
  - number and timing of information collection strategies,

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- calendar for administering evaluation system with deadlines for evaluation summaries.

- Develop a rating scale for judging performance, including
  - choice of terms,
  - definition of terms.
- Define a performance improvement process for professional educators identified as needing remedial assistance.
- Develop necessary guidelines and forms, including
  - observation forms,
  - client survey forms,
  - interim evaluation forms,
  - summative evaluation forms,
  - improvement assistance plan.

Recommendations for Integrating Student Learning in Educator Evaluation[2]

1. *Use student learning as only one component in an educator evaluation system that is based on multiple data sources.*

Measures of student learning are vitally important in judging the effectiveness of teachers, administrators, and superintendents, but they should never serve as the sole source for evaluating performance. Rather, multiple sources of information should be considered in order that a more complete picture of performance can be developed. Such multiple data sources might include formal and informal observations, client surveys, artifacts of performance, goal setting, and other relevant sources of performance information. Student learning measures should be considered in conjunction with these other sources to provide a full and comprehensive portrait of the educator's performance.

2. *When judging educator effectiveness, consider the context in which schooling occurs.*

There are circumstances in which educators have done everything possible to enhance student learning, but conditions beyond their control prevent maximum learning benefits by students. Thus, consideration should be given to student mobility, absenteeism, and other variables beyond the control of the educator. The entire system of support, including staff training, availability of mentors, conducive work spaces, instructional resources, community support, and other important matters cannot be overlooked in attributing responsibility for learning.

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2 *These recommendations are adapted from: Stronge, J. H., & Tucker, P. D. (2000). Teacher evaluation and student achievement. Washington, DC: National Education Association.*

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3. Use measures of student growth versus a fixed achievement standard or goal.

Very few human endeavors are judged in terms of fixed goals; more typically, they are based on growth and progress toward stated goals. Even in the hard-nosed world of business, performance is judged based on a variety of economic indicators and comparisons to projected growth. The same paradigm should be used in education, with an acknowledgment of learning inhibitors and comparisons to projected learning growth. This approach requires the use of pre- and post-testing to determine progress rather than the attainment of predetermined pass rates or proficiency levels. While there is a place and purpose for fixed standards, such as learning to read at an acceptable level, fixed standards must be regarded skeptically when applied to personnel evaluation.

4. Compare learning gains from one point in time to another for the same students, not different groups of students.

If teachers, administrators, and superintendents are to be held accountable for student learning, then it is critical that patterns of student learning be established - not single snapshots. Repeated measures of student learning over time enhance reliability from a statistical point of view and credibility from a decision-making perspective.

5. Use fair and valid measures of student learning.

If student learning measures are to be used for the evaluation of educators, then they must conform to professional standards of practice. Specifically, the use of student assessment measures in evaluating educator performance should be

- ***valid.*** "Any measure of student performance, whether used for formative or summative evaluation, should be sensitive to (be able to detect) the impacts of what teachers and schools do; that is, measures of student learning should have instructional validity. If they do not ... then it would be hard to justify their use for either teacher or school evaluation of any kind."[3]

- ***reliable.*** The assessment measure should produce adequately consistent (i.e., reliable) results across time and across scorers. One of the key issues to consider when making decisions about educator performance is inter-rater reliability among evaluators.

- ***free from bias.*** Student achievement data should be used in an objective, fair, and impartial manner, and should not be interpreted or used capriciously.

- ***comparable.*** No educator "... should be disadvantaged compared with any other based on factors beyond their control."[4]

3 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 177.*

4 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 178.*

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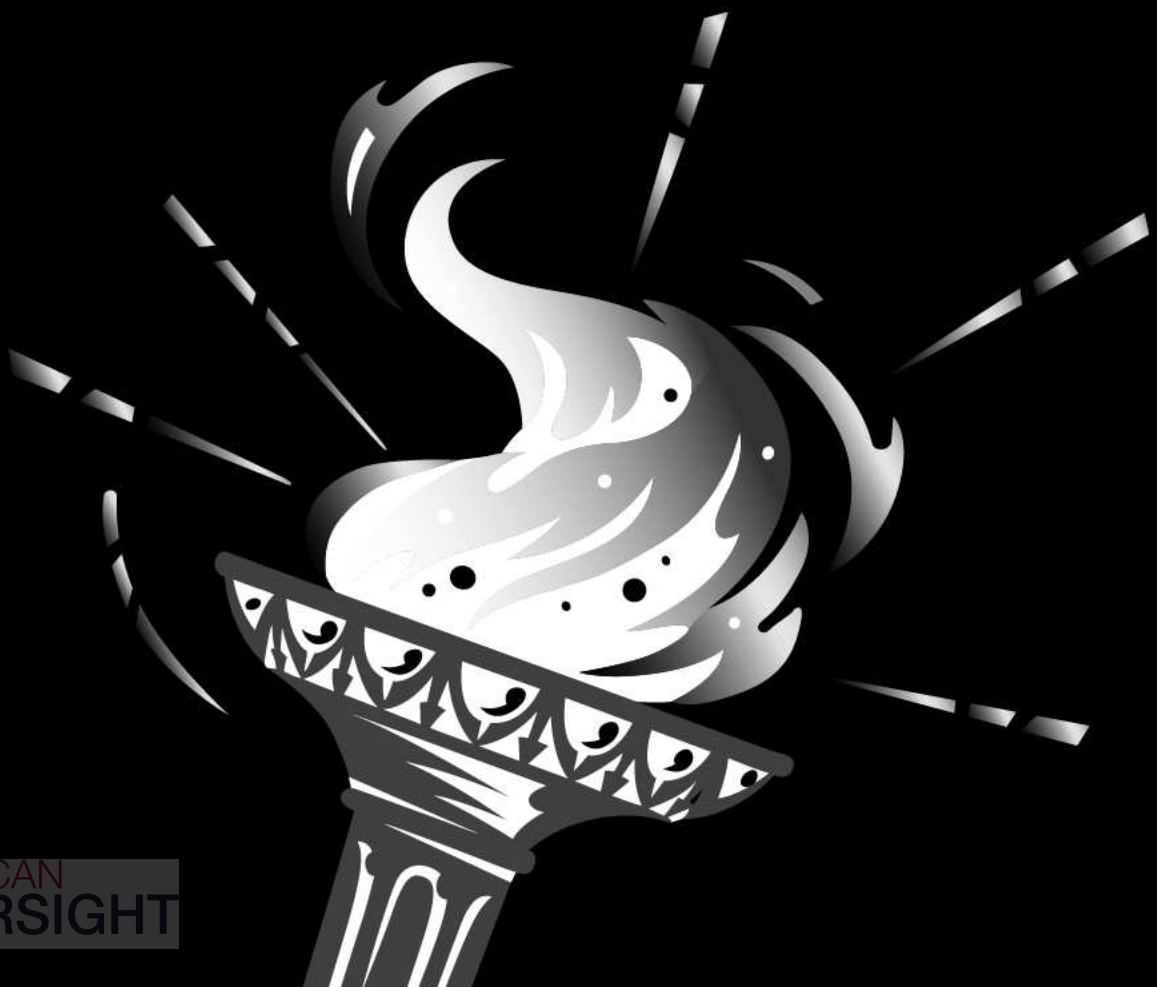
Appendices



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Appendix A

Teacher Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The teacher designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.

Sample Performance Indicators:

The teacher...

- bases instruction on goals that reflect high expectations, conceptual understanding of the subject, and the importance of learning.
- matches content/skills taught to overall curriculum scope and sequence.
- uses assessment feedback to monitor and adjust instruction.
- links objectives for instruction to prior student learning.
- reflects the goals and needs of the school and community in planning.
- uses available resources to link student learning to the community.

The teacher plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.

Sample Performance Indicators:

The teacher...

- selects appropriate student objectives for lessons consistent with division guidelines and the Virginia Standards of Learning.
- designs appropriate learning activities that are clearly connected to instructional objectives.
- develops lesson plans that are clear, logical, and sequential.

The teacher diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

Sample Performance Indicators:

The teacher...

- plans instruction appropriate to the developmental level and needs of students.
- demonstrates knowledge of resources and methods appropriate to serving students with special learning needs.
- arranges/adapts classroom setting to accommodate individual and group learning needs.
- assists students in planning, organizing, and preparing for assignments, long-range projects, and tests.
- is sensitive and responsive to the diversity of individuals and groups within the classroom.

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The teacher uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

Sample Performance Indicators:

The teacher...

- monitors student understanding on an ongoing basis and adjusts teaching when necessary.
- utilizes multiple assessment practices congruent with instructional goals both in content and process.
- effectively uses both teacher-made and standardized tests as appropriate.
- uses student products as a source for assessment and instructional decisions.
- demonstrates competence in the use of acceptable grading/ranking/scoring practices in recording and reporting student achievement.
- maintains and uses organized records of student progress for instructional decisions.

The teacher identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Sample Performance Indicators:

The teacher...

- communicates clear expectations for learning and behavior to students and parents.
- uses pre-assessment data in developing expectations for students and as a basis for documenting learning gains.
- provides prompt and meaningful feedback to students about performance and progress.
- prepares tests that reflect the academic content studied.
- provides opportunities for students to contribute to the development of criteria and standards as appropriate.
- incorporates strategies to prepare students for SOL and standardized testing.

Instruction

The teacher understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

Sample Performance Indicators:

The teacher...

- communicates a belief that all students can learn.
- exhibits an understanding of and facility in explaining the subject area(s) taught.
- uses appropriate literature and current resources and materials in the subject area(s).
- encourages the academic curiosity and critical thinking of students.
- modifies instruction to make topics relevant to students' lives and experiences.
- demonstrates ability to engage and maintain students' attention and to recapture or refocus it as necessary.
- provides clear and concise explanations of lessons.
- checks for understanding with questions, review activities, and various assessment strategies.

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The teacher understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

Sample Performance Indicators:

The teacher...

- selects materials and media that match learning styles of individual students.
- provides for the instructional needs of all students, including remedial and enrichment/ extension activities as necessary.
- utilizes flexible grouping practices to respond to the diverse learning needs of students.
- collaborates with resource teachers in developing activities for students with special learning needs.
- encourages students to build on strengths while developing all areas of competence.
- paces instruction appropriately with adequate preview and review of instructional components.
- uses a variety of teaching strategies, including cooperative, peer and project-based learning, audiovisual presentations, lecture, discussions and inquiry, practice and application, and the teaching of others.
- demonstrates respect for individual, cultural, religious, and racial differences of individuals and groups within the classroom.

The teacher uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

Sample Performance Indicators:

The teacher...

- evaluates curricular materials for accuracy, currency, and student interest.
- provides students with materials and media that are appropriate and challenging for their instructional levels.
- encourages and guides the development of problem-solving skills and independent thinking in students.
- utilizes available technological materials and resources effectively to engage students in varied learning experiences.
- provides opportunities for guided practice and hands-on technology application.
- demonstrates competence in the Technology Standards for Instructional Personnel.

The teacher selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Sample Performance Indicators:

The teacher...

- solicits comments, questions, examples, and other contributions from students throughout lessons.
- uses questioning strategies effectively.
- provides opportunities for guided and independent practice.
- responds positively to student questions and active engagement.

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- implements instructional opportunities in which students are interacting with ideas, materials, teachers, and one another.
- reteaches material and/or accelerates instruction based on assessment to pace instruction appropriately for interest and engagement.
- implements curriculum experiences to encourage students to reflect on and take increasing responsibility for their own learning.

Safety and Learning Environment

The teacher actively implements a discipline policy that fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The teacher...

- establishes effective classroom rules and procedures.
- communicates clear expectations about behavior to students and parents.
- implements and enforces disciplinary procedures with fairness and consistency.
- encourages students in developing self-discipline and conflict resolution skills.
- recognizes and celebrates the achievements of students and staff.
- is knowledgeable of and complies with local, state, and federal safety regulations.
- manages emergency situations as they occur.

The teacher manages classroom procedures to maximize academic learning time.

Sample Performance Indicators:

The teacher...

- plans purposeful assignments for teacher assistants, substitute teachers, student teachers, and others to ensure continuous student engagement in learning.
- structures transitions in an efficient and constructive manner.
- creates and maintains a physical setting that minimizes disruption and promotes learning and safety.
- handles administrative routines quickly and efficiently.
- has all material readily available to allow for the smooth flow of instruction.

The teacher establishes and maintains rapport with students.

Sample Performance Indicators:

The teacher...

- treats students with respect.
- communicates personal enthusiasm for learning.
- models caring, fairness, humor, courtesy, respect, and active listening.
- demonstrates concern for students' emotional and physical well-being.
- seeks and uses information about student interests and opinions.
- develops and maintains positive interactions with students in all school settings.

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The teacher creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Sample Performance Indicators:

The teacher...

- encourages students to respect themselves and others.
- communicates clear expectations for appropriate interactions among students.
- models enthusiasm for and engagement in learning.
- encourages students to take pride in good work.
- enhances students' feelings of self-worth.
- incorporates principles of equal opportunity and non-discrimination into classroom management.
- provides equitable opportunities for student learning.
- promotes multicultural awareness, gender sensitivity, and the appreciation of diversity within the classroom.

Communication and Community Relations

The teacher uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

Sample Performance Indicators:

The teacher...

- uses precise language, correct vocabulary and grammar, and acceptable forms of oral and written expression.
- articulates clear learning goals and instructional procedures to students.
- gives directions that are clear and reasonable and contain an appropriate level of detail.
- uses a variety of media communication tools to enrich learning opportunities.
- models effective communication strategies in conveying ideas and information.
- provides support for student expression in speaking, writing, and other media.

The teacher forges partnerships with families to promote student learning at home and in the school.

Sample Performance Indicators:

The teacher...

- responds promptly to parental concerns.
- demonstrates flexibility in planning meetings with parents.
- promotes parental involvement in the classroom and school.

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VA-DOE-22-0316-B-001660

- shares major instructional goals for the year with parents.
- initiates communication with parents or guardians concerning student progress or problems in a timely manner.
- establishes regular channels of communication between school and home.
- offers strategies for parents to assist in their children's education.

The teacher works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Sample Performance Indicators:

The teacher...

- is sensitive to the social and cultural background of students and parents.
- uses multiple modes of communication to provide information to parents.
- encourages parent and community involvement in classroom activities.
- collaborates with staff, families, and community members to respond to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.
- supports community partnerships and uses community resources to enhance learning.
- works with community members in carrying out school and community-sponsored functions.

Professionalism

The teacher models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The teacher...

- relates to colleagues, parents, and others in an ethical and professional manner.
- represents the school/program favorably in the school division/community.
- uses acceptable written and oral language.
- resolves concerns and problems in a constructive manner.
- maintains confidentiality appropriate to teaching assignment.
- maintains a professional demeanor and appearance.
- works in the best interest of the students, the school, and the community.

The teacher takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The teacher...

- participates in professional growth activities including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

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- evaluates and identifies areas of personal strength and weakness related to professional skills and their effect on student learning and sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in the field of professional specialization.

- comprehends and applies current literature that enhances knowledge of educational issues, trends, and practices.

- collaborates with colleagues to improve and enhance instructional knowledge and skills.

- maintains proper licensure and certification.

The teacher works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

Sample Performance Indicators:

The teacher...

- demonstrates flexibility and a collaborative attitude in supporting co-workers/work team.

- maintains effective working relationships with other teachers.

- works collaboratively with other staff members to plan for individual student learning and alignment of goals and standards across classrooms and grade levels.

- makes a positive contribution to the overall climate of the school and division.

- supports school and division-wide programs and activities.

- considers the interests and needs of other teachers and community stakeholders in promoting and supporting district goals and services.

- shares ideas and information with other teachers, school personnel, and community stakeholders.

The teacher provides service to the profession, the division, and the community.

Sample Performance Indicators:

The teacher...

- serves on school, division, state, and/or national committees.

- maintains an active role in professional and community organizations.

- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align school and division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001662

Appendix B

Administrator Evaluation Criteria and Performance Indicators

(Principals, Assistant Principals, and Central Office Instructional Personnel)

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The administrator effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The administrator...

- applies current research related to effective techniques for gathering data from individuals, groups, and programs.
- gathers and analyzes data on student academic achievement through standardized test results and other student performance sources.
- identifies strengths and weaknesses in programs and practices to facilitate continuous improvement.
- applies and communicates statistical findings.
- plans and implements changes in programs and/or curricula based on data.
- conducts annual analyses of school's test and subtest scores by grade and discipline.

The administrator collaboratively develops and implements a school improvement plan that results in increased student learning.

Sample Performance Indicators:

The administrator...

- ensures the development and implementation of a biennial school plan approved by the superintendent.
- works collaboratively with faculty and staff to develop a vision and mission consistent with the division strategic plan.
- supports the mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with needs assessment data.
- evaluates the effects of changes on student achievement and provides feedback on goal achievement and needs for improvement.
- keeps abreast of current literature regarding school reform.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

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The administrator plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement in the Standards of Learning.

Sample Performance Indicators:

The administrator...

- demonstrates a working knowledge and understanding of the Standards of Learning and school division curricular requirements.
- articulates curricular goals and objectives to staff and other stakeholders.
- assists with the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- works with staff to plan, implement, evaluate, and revise the curriculum on a systematic and ongoing basis.
- demonstrates knowledge of and applies current research related to best practices in curriculum and instruction.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.
- implements division testing program for students.
- uses varied assessment data to ensure that instructional programs are responsive to students' academic needs.

The administrator develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The administrator...

- meets and works collaboratively with appropriate staff to determine budget needs and priorities.
- prioritizes budget requests to meet the needs of assigned curriculum/program(s).
- meets and works collaboratively with appropriate staff to determine priorities for effective allocation of space as well as human and other resources.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The administrator communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The administrator...

- articulates a vision and works collaboratively to develop a mission and programs consistent with the division's strategic plan.
- emphasizes positive student achievement and continuous improvement.
- analyzes current academic achievement and teaching methods to make appropriate educational decisions and improve classroom instruction.

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- monitors the delivery of appropriate remediation and intervention for students.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- commits resources to the achievement of the mission and goals.
- demonstrates strong motivation and high standards and models self-evaluation.
- communicates commitment to protecting academic instructional time.
- recognizes, encourages, and celebrates excellence among staff and students.

The administrator supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The administrator...

- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- meets and works with staff on a regular basis to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- demonstrates and applies knowledge of effective instructional models and strategies.
- identifies best instructional practices for student groups with identified needs.
- provides instructional resources, materials, training, and support to accomplish instructional goals.

The administrator selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The administrator...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- evaluates instructional alignment with the Standards of Learning to ensure students' successful attainment of the knowledge and skills indicated.
- evaluates classroom practices and methods for improvement of instruction.

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- provides support and resources for staff to improve job performance, and recognizes and supports the achievements of highly effective staff members.

The administrator provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The administrator...

- leads the development and implementation of a systematic professional development plan for individuals and for the school.
- involves school staff in identifying staff development needs based on student achievement data.
- provides staff development that supports effective instruction.
- shares knowledge and information about new, improved, or alternative methods of instruction and related issues.
- meets with instructional teams and teachers regularly to discuss ongoing school improvement efforts.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- disseminates information about conferences, course work, and membership in professional organizations.
- supports staff participation in internal and external professional development opportunities as appropriate.

The administrator identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The administrator...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division missions and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The administrator maintains effective discipline and fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The administrator...

- ensures a safe, secure, orderly, clean, and attractive school environment.

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VA-DOE-22-0316-B-001666

- clearly communicates expectations regarding behavior to students, staff, and parents.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary procedures in a timely and consistent manner.
- establishes effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.
- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, and parents.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The administrator effectively coordinates the daily operation of the assigned area of responsibility.

Sample Performance Indicators:

The administrator...

- organizes staff to conduct daily routines efficiently, use space effectively, and ensure appropriate instructional time.
- publicizes routines and procedures through handbooks, orientation sessions, and other means.
- protects academic instructional time from unnecessary interruptions.
- organizes schedule to keep time students are out of class to a minimum.
- monitors and provides supervision for all programs and activities.
- oversees the general maintenance, upkeep, and appearance of the school (building administrators only).
- monitors established routines and use of facilities on a regular and timely basis (building administrators only).

The administrator effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The administrator...

- follows federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- establishes and uses accepted procedures for receiving and disbursing funds.
- maintains records of receipts and disbursements of all funds handled.
- keeps staff informed about status of budget requests, equipment purchases, and materials ordered.
- monitors the efficient use of instructional resources.
- works with staff to establish an effective schedule for use of shared resources.
- accurately maintains personnel records.

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- maintains current record of licensure, endorsement, and in-service training completed by staff.
- adheres to established evaluation schedules, timelines, and procedures.

The administrator demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The administrator...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains accurate student records to ensure that criteria for promotion/placement/instructional intervention are included.
- maintains accurate drop-out records to work towards drop-out prevention.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- maintains an acceptable work space.

Communication and Community Relations

The administrator promotes effective communication and interpersonal relations with students and staff.

Sample Performance Indicators:

The administrator...

- promotes a climate of trust within the school.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with classroom teachers, specialists, and administrators in promoting the division's mission and in communicating expectations.

The administrator promotes effective communication and interpersonal relations with parents and other community members.

Sample Performance Indicators:

The administrator...

- communicates school and division goals, objectives, and expectations to stakeholders.

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- maintains visibility and accessibility to parents and the community.
- uses multiple modes of communication to notify stakeholders of issues, events, and useful information regarding curriculum and programs in a timely manner.
- clarifies collaborative roles of school and home in promoting student learning and meeting curricular goals.
- communicates evidence of progress toward goals and objectives.
- monitors the development and distribution of staff and student handbooks.
- uses acceptable written and oral language.

The administrator works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The administrator...

- plans for and solicits parent and community member input.
- promotes the development of community partnerships.
- encourages parental and community involvement in promoting school goals.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- seeks grants and other community resources to support school goals.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the school-community.
- promotes the value of understanding and celebrating school and community cultures.

Professionalism

The administrator models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The administrator...

- relates to co-workers, customers/clients, and others in an ethical and professional manner.
- represents the school/office/program favorably in the school division/community.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The administrator works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The administrator...

- demonstrates flexibility and a collaborative attitude in supporting colleagues/work teams.

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- supports the organization and advances the mission/goals.
- supports division-wide programs and activities and makes a positive contribution to the overall climate of the school and division.
- maintains effective working relationships with other administrators and staff.
- shares ideas and information and considers the interests and needs of other administrators and community stakeholders in promoting and supporting district goals and services.

The administrator takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The administrator...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.
- evaluates and identifies areas of personal strength and weakness related to professional skills and their impact on student learning.
- sets goals for improvement of skills and professional performance.
- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in one's own field of professional specialization.
- comprehends and applies current research of educational issues, trends, and practices.
- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.
- maintains proper licensure and certification.

The administrator provides service to the profession, the division, and the community.

Sample Performance Indicators:

The administrator...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.
- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.
- organizes, facilitates, and presents at local, state and/or national conferences.
- supports and participates in efforts to align school and division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001670

Appendix C

Superintendent Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The superintendent effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The superintendent...

- applies current research related to effective techniques for gathering data from individuals, groups, programs, and the community, and uses reliable data in making decisions.
- reviews analyses of student academic achievement through standardized test results and other academic sources.
- provides staff with data in a collaborative effort to determine needs for improvement.
- applies and communicates statistical findings to identify strengths and weaknesses in programs and practices in order to ensure continuous improvement.
- plans and implements changes in programs and/or curricula based on data.
- reviews annual analyses of division's test and sub-test scores by school and discipline in order to assess school improvement and monitor improvement plans.

The superintendent organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.

Sample Performance Indicators:

The superintendent...

- provides leadership in the development of a shared vision for educational improvement and of a strategic plan to attain that vision.
- implements strategies for the inclusion of staff and various stakeholders in the planning process.
- supports the division's mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with the school division's strategic plan and monitors progress in achieving long- and short-range goals and objectives.
- provides feedback to principals on goal achievement and needs for improvement.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001671

The superintendent plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.

Sample Performance Indicators:

The superintendent...

- demonstrates a working knowledge and understanding of the Standards of Learning and division curricular requirements.
- supports the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- oversees the planning, implementation, evaluation, and revision of the curriculum on a systematic and ongoing basis.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.

The superintendent develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The superintendent...

- acquires, allocates, and manages division resources in compliance with all laws to ensure the effective and equitable support of all of the division's students, schools, and programs.
- allocates resources consistent with the mission and strategic plan of the division.
- meets and works collaboratively with the board and appropriate staff to determine priorities for budgeting and for the effective allocation of space and human resources.
- utilizes human and material resources outside the division that may support and/or enhance the achievement of goals and objectives.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The superintendent communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates personal commitment to achieving the mission of the school division.
- articulates a shared vision to all constituencies and ensures that staff members are working in concert with the division's strategic plan.
- informs members of the board and community of current research related to best practices in curriculum and instruction.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- recognizes, encourages, and celebrates excellence among staff and students.

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VA-DOE-22-0316-B-001672

- demonstrates strong motivation and high standards and models self-evaluation.

The superintendent oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The superintendent...

- articulates curricular goals, objectives, and frameworks to staff and other stakeholders.
- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- works with the board, staff, and community representatives to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- facilitates the effective coordination and integration of division curricular and co-curricular programs.

The superintendent selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The superintendent...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- oversees the recruitment, appointment, induction, and assignment of the most qualified personnel available.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- recommends the reappointment and/or promotion of competent, effective personnel.
- provides support and resources for staff to improve job performance and recognizes and supports the achievements of highly effective staff members.

The superintendent provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The superintendent...

- leads the development and implementation of a systematic professional development plan for individuals, including members of the board, and for the division.

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- works collaboratively with members of the staff in using student achievement data to determine relevant professional development opportunities.
- meets with principals regularly to assess ongoing school improvement efforts.
- evaluates the effectiveness of the professional development plan in relation to division goals.
- encourages participation in relevant conferences, course work, and activities of professional organizations.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- supports staff participation in internal and external professional development opportunities as appropriate.

The superintendent identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The superintendent...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division mission and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The superintendent actively supports a safe and positive environment for students and staff.

Sample Performance Indicators:

The superintendent...

- facilitates the implementation of sound, research-based theories and techniques of classroom management, student discipline, and school safety to ensure a safe, orderly environment conducive to teaching and learning.
- clearly communicates expectations regarding behavior to students, staff, parents, and other members of the community.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary policies and procedures in a timely and consistent manner.
- supports effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.

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VA-DOE-22-0316-B-001674

- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, parents, and community members.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The superintendent develops procedures for working with the local board of education that define mutual expectations, working relationships, and strategies for formulating division policies.

Sample Performance Indicators:

The superintendent...

- respects the policy-making authority and responsibility of the board.
- develops and uses a systematic means of keeping members of the board informed with complete, accurate information.
- facilitates the delineation of superintendent and board roles and the articulation of mutual expectations.
- recommends policy additions and/or modifications to improve student learning and division effectiveness.
- anticipates future needs and demonstrates a bias for action.
- values group interaction and problem solving.
- expresses opinions on policy issues directly to the board.
- supports and implements policy established by the board.

The superintendent effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The superintendent...

- complies with federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- demonstrates effectiveness in obtaining necessary resources.
- establishes and uses accepted procedures for receiving and disbursing funds.
- ensures that expenditures are within limits approved by the board.
- implements appropriate management techniques and group processes to define roles, delegate activities and responsibilities, and determine accountability for goal attainment.
- prepares and implements short- and long-range plans for facilities and sites.
- ensures proper maintenance and repair of division property and equipment.
- monitors any construction, renovation, or demolition of division buildings.
- regularly reports to the board on the financial condition of the division.
- monitors the efficient use of resources.
- works with staff to establish an effective schedule for use of shared resources.
- ensures the maintenance of accurate personnel records.

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VA-DOE-22-0316-B-001675

The superintendent demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The superintendent...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains appropriate and accurate records.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- systematically evaluates progress on achieving established goals.
- keeps the board, staff and community appraised of progress in achieving the division's goals.

Communication and Community Relations

The superintendent promotes effective communication and interpersonal relations within the school division.

Sample Performance Indicators:

The superintendent...

- promotes a climate of trust and teamwork within the division.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with staff members in promoting the division's mission and in communicating expectations.

The superintendent establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.

Sample Performance Indicators:

The superintendent...

- accepts responsibility for maintaining communication between the board and division personnel.
- anticipates, analyzes, and discusses emerging educational/division issues with the board on a regular basis.
- systematically provides accurate, relevant information to the board to facilitate decision-making.
- establishes, maintains, and evaluates a planned, two-way system of communication with community constituencies.

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VA-DOE-22-0316-B-001676

- communicates school and division goals, objectives, and expectations to stakeholders.
- is politically astute and demonstrates the skills necessary to build community support for division goals and priorities.
- works cooperatively with representatives of the news media.
- establishes partnerships with public and private agencies to enhance the division's ability to serve students and other constituents.
- uses acceptable written and oral language.

The superintendent works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The superintendent...

- is responsive to the conditions and dynamics of the diversity within the school community.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the community.
- is knowledgeable about laws regarding individual and group rights and responsibilities and scrupulously avoids actions that might violate them.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.

Professionalism

The superintendent models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The superintendent...

- relates to board members, staff, and others in an ethical and professional manner.
- maintains the physical and emotional wellness necessary to meet the responsibilities of the position.
- serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The superintendent works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates flexibility and a collaborative attitude in supporting professionals and other staff/work teams.
- supports the division and advances its mission/goals.

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- establishes and supports a division culture that encourages collaboration and teamwork in achieving goals.
- maintains effective working relationships with other administrators and staff.
- shares ideas and information and considers the interests and needs of staff members and community stakeholders in promoting and supporting district goals and services.

The superintendent takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The superintendent...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.
- evaluates and identifies areas of personal strength and weakness related to providing division leadership.
- sets goals for improvement of skills and professional performance.
- maintains a high level of personal knowledge regarding new developments and techniques, including technology, and shares the information with appropriate staff.
- comprehends and applies current research of educational issues, trends, and practices.
- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.
- maintains proper licensure and certification.

The superintendent provides service to the profession, the division, and the community.

Sample Performance Indicators:

The superintendent...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.
- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.
- organizes, facilitates, and presents at local, state and/or national conferences.
- supports and participates in efforts to align division goals and activities with community endeavors.

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/21/2022 9:28:41 AM
To: "Jon Russell" <jon.russell@doe.virginia.gov>
Cc:
Subject: Fwd: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65

Attachments: LTR to SuperVDOE.pdf

---------- Forwarded message ---------
From: **Ian Prior** <ian@fightforschools.com>
Date: Fri, Feb 18, 2022 at 2:39 PM
Subject: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code 22.1-65
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
CC: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Dear Superintendent Balow,

Please find attached a formal request that you recommend to the Board of Education the removal of Loudoun County Public Schools Superintendent Scott Ziegler.

The original copy that I sent via certified mail has for some reason been returned and I will resend, but I wanted to make sure that you officially received this electronically.

Thank you for your consideration.

Ian Prior
Fight for Schools
Phone: 571-639-6711
Email: ian@fightforschools.com
Twitter: @iandprior
Linkedin: https://www.linkedin.com/in/ian-prior-1a7851133/
--

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

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FightForSchools.com

February 9, 2022

VIA CERTIFIED MAIL

Jillian Balow
Superintendent of Public Instruction
Virginia Department of Education
James Monroe Building
101 N. 14th Street
Richmond, VA 23219

CC:

Loudoun County Board of Supervisors
Loudoun County Government Center
1 Harrison St. SE #5
Leesburg, VA 20175

Loudoun County School Board
21000 Education Court
Ashburn, VA 20148

Re: Request for the Removal of Loudoun County Public Schools Superintendent Scott Ziegler Pursuant to VA Code §22.1-65

Dear Superintendent Balow:

Congratulations on your appointment as Superintendent of Public Instruction for the Commonwealth of Virginia. The education issue was key to the sweeping change that came to Virginia in 2021, and parents everywhere look forward to the restoration of educational excellence to the Commonwealth's public schools in the years to come.

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As you are no doubt aware, nowhere has the spotlight shone brighter on the failures of Virginia's public school administrators than in Loudoun County. From school board members and administrators participating in private social media forums that targeted parents, to suspending a teacher in violation of his and other teachers' First Amendment rights, to willfully defying Governor Youngkin's Executive Order allowing parents the choice of whether their children wear masks in school, Loudoun County Public Schools has been a case study in mismanagement and disrespect to students, parents, and the taxpayers who fund its operations.

While many of the failures fall at the feet of the Loudoun County School Board, it should be clear to all observers that Superintendent Scott Ziegler does not possess the capability, experience, or leadership skills to sit at the helm of a $1.6 billion taxpayer-funded school division.

Many of those failures will likely be more fully explored in the investigation being conducted by Attorney General Miyares, but Superintendent Ziegler has become such a liability to the safety of Loudoun County children and the trust of the parents that rely on Loudoun County Public Schools to protect those children that, on behalf of Fight For Schools, I request you consider exercising your authority under VA Code §22.1-65 and recommend his removal as Superintendent of Loudoun County Public Schools.

Specifically, Superintendent Ziegler has repeatedly and blatantly misled the public on very serious issues of school safety and has exhibited complete disregard for transparency and accountability.

The following are some of provable examples of Superintendent Ziegler's actions that have not only eroded public confidence in his leadership and in LCPS, but also demonstrate the superintendent's pattern of dishonesty, unprofessional conduct, and willful incompetence.

1. **Superintendent Ziegler's Blatant Misrepresentation to the Public During a June 22, 2021 School Board Meeting**

On May 28, 2021, a young girl was sexually assaulted by a boy in a girls' bathroom at Stone Bridge High School. On the very same day, Superintendent Ziegler sent an email to the full school board informing them of that fact. See Exhibit A.

At the June 22, 2021 school board meeting where Policy 8040 was discussed (a policy which would allow students to use whichever bathroom and locker room that corresponds to the gender with which they identify), school board member Beth Barts asked Superintendent Ziegler the following: *"Do we have assaults in our bathrooms or locker rooms regularly? I would hope not, but I would like clarification."*

Superintendent Ziegler answered definitively: *"To my knowledge we don't have any records of assaults occurring in our restrooms."*[1]

Not only did Ziegler flat out lie about an issue of school safety, but he did so in the context of a debate over the safety of implementing Policy 8040. Such information would be extremely relevant to the public in that debate.

Moreover, at no point in time did Ziegler ever attempt to correct the record.

Worst of all, his failure to honestly state the facts put into motion a chain of events that directly led to the sexual assault of a second girl by the same assailant at a different school and is now the subject of an investigation by the Virginia Attorney General.

In this case, Superintendent Ziegler's knowing misrepresentation arguably would make him both civilly and criminally liable.

In Virginia, a civil cause of action for actual fraud requires a "plaintiff to prove (1) a false representation, (2) of a material fact, (3) made intentionally and knowingly, (4) reliance by the party misled, and (5) resulting damage to the party misled." Cohn v. Knowledge Connections, Inc., 266 Va. 362, 367 (2003).

Superintendent Ziegler falsely and knowingly stated that he was "unaware of any records of assaults occurring in our restrooms," despite sending a May 28, 2021 email to the school board informing them of the sexual assault in the Stone Bridge High School restroom. This was certainly a material fact, especially considering a public debate over bathroom safety policy. As a result, members of the public relied on his statement and were damaged by not receiving accurate information with which to provide input on a policy impacting their children's schools.

Superintendent Ziegler's failure to correct his misstatement also makes him potentially liable for concealment, which under Virginia law is defined as "[c]oncealment of a material fact by one who knows the other party is acting upon the assumption that the fact does not exist ***." Allen Realty Corp. v. Holbert, 227 Va. 441, 450 (1984).

Lastly, all school board meetings are broadcast "live on Comcast channel 18 and Verizon FIOS channel 43" as well as via simultaneous webcast. Pursuant to VA Code §18.2-209, entitled False publications, "[a]ny person who knowingly and willfully states, delivers or transmits by any means whatever to *** any radio station, television station, news service or cable service, any false and untrue statement, knowing the same to be false or untrue, concerning any person or corporation, with intent that the same shall be published, broadcast or otherwise disseminated, shall be guilty of a Class 3 misdemeanor."

[1] Publicly accessible video of June 2, 2021, school board meeting: https://vimeo.com/566103405

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By making a knowingly false statement at a Loudoun County School Board meeting that was transmitted by cable news and a webcast, Superintendent Ziegler may have also violated the criminal prohibition against false publications.

2. **Superintendent Ziegler's Misrepresentation to the Public in a November 5, 2021 Press Release Concerning "Independent Review" of Sexual Assaults**

On November 4, 2021, following his election as Attorney General of the Commonwealth of Virginia, Jason Miyares announced that he would be investigating Loudoun County Public Schools' handling of two sexual assaults at two different schools by the same assailant.[2]

The next day, Superintendent Scott Ziegler issued a press release entitled "LCPS Announces Independent Review of Assault Allegations." The press release read, in relevant part, as follows:

"We believe we have followed all mandatory reporting protocols and aided law enforcement to the fullest extent allowed in all investigations regarding these matters. We acknowledge that these matters need to be fully reviewed. Consequently, and with full support of the School Board, ***Loudoun County Public Schools hired Blankingship & Keith, P.C. on October 28, 2021 to conduct an independent review of these incidents****."* (emphasis added)[3]

On January 3, 2022, on behalf of Fight for Schools, I sent a Freedom of Information Act Request to LCPS requesting the following:

"Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools." See Exhibit B.

The LCPS Public Information Officer responded on January 10, 2022, as follows:

"There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals." See Exhibit C.

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[2] "Virginia Attorney General-elect Miyares plans to investigate school assault cases in Loudoun; chief prosecutor welcomes involvement," Loudoun Times-Mirror, November 4, 2021: https://www.loudountimes.com/news/virginia-attorney-general-elect-miyares-plans-to-investigate-school-assault-cases-in-loudoun-chief-prosecutor/article_51ed0f00-3dd6-11ec-a6c7-339513c0a478.html

[3] LCPS Announces Independent Review of Assault Allegations, November 5, 2021: https://www.lcps.org/site/default.aspx?PageType=3&DomainID=1&ModuleInstanceID=274904&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=416934&PageID=1

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Only after it became public knowledge that LCPS would not release the report did Loudoun County Public Schools communicate with the community about the existence of the report.

On January 14, 2022, the Loudoun County School Board issued a statement stating that it would not publicly release the report provided by Blankingship & Keith, P.C. due to attorney-client privilege. The release further detailed actions LCPS would be taking on matters that were the subject of the report.[4]

Section 2.2-3705.8 of the Virginia Freedom of Information Act, entitled "Limitations on record exclusions," provides as follows:

"Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report."

Superintendent Ziegler made it very clear in his November 5, 2021, release that Blankingship & Keith would be conducting an "independent review." The resulting report was provided to the Loudoun County School Board and LCPS announced actions it would be taking on the matter that was the subject of the report. Therefore, pursuant to §2.2-3705.8, public access should not be denied to non-exempt portions of the report.

However, LCPS has claimed that the report is exempt due to §2.2-3705.1(2), which subsection exempts the following from production to the public:

"Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege."

By claiming this exemption, Loudoun County Public Schools has now made it clear that Blankingship & Keith provided it with legal counsel as opposed to the "independent review" that Superintendent Ziegler sold to the public.

Furthermore, Loudoun County Public Schools did not "hire" Blankingship & Keith on October 28, 2021, as Superintendent Ziegler claims. In response to a FOIA sent to LCPS on January 15, 2022, requesting the retainer agreement between LCPS and Blankingship & Keith signed "on or around October 28, 2021," LCPS stated that no such documents exist. See Exhibits D and E.

[4] Statement from the Loudoun County School Board, January 14, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=335527&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=420880&PageID=241236

Instead, Loudoun County Public Schools actually hired Blankingship & Keith on June 15, 2021, to work for the division on an ongoing basis beginning in July of 2021, with the expectation that firm lawyers would be "on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose." See Exhibit F.

Superintendent Ziegler thus misled the public into believing that Blankingship & Keith was hired on October 28, 2021 to conduct an "independent review" of the division's handling of the sexual assaults at issue, when in fact this was nothing more than an internal investigation and legal advice from a law firm that had been on retainer since the summer.

To reiterate, Superintendent Ziegler misrepresented the nature of an investigation into an incident in which Ziegler misled the community about a sexual assault in a bathroom of which he had full knowledge, and his actions directly contributed to a second sexual assault of a second girl in a second high school by the same assailant, all of which generated the need for Blankingship & Keith to become involved.

Once more, the two false statements by Superintendent Ziegler make a *prima facie* case for fraud. He made a knowingly false statement about a material fact – the independence of the report and the date that Blankingship and Keith was hired – to gain the public's trust in the "independence" of a taxpayer-funded review.

Further, because this statement was released to the media, it may also violate VA Code §18.2-209's prohibition on false statements to publishers.

3. **Superintendent Ziegler's Misleading February 5, 2022 Press Release on Loudoun County Public School's Directive to Press Trespass Charges Against Students Suspended for Not Wearing Masks**

On February 5, 2022 Superintendent Ziegler sent out a press release entitled "Media Rumors Concerning LCPS."[5] The release stated, in relevant part:

"Loudoun County Public Schools (LCPS) would like to address a rumor that has been circulating in our community and in the media. The rumor, which is inaccurate, involves claims that LCPS has taken legal action against students who choose not to follow COVID mitigation measures in our school buildings. LCPS does not have the authority to arrest or charge any suspended students or their parents for trespassing. Furthermore, LCPS has not requested that local law enforcement charge any student with trespassing in connection with recent suspensions.

"Any student who is suspended from school and returns to school property, without administrative permission, may be issued a trespass notice. This is standard practice and a

[5] LCPS Press Release, Media Rumors Concerning LCPS, February 5, 2022: https://www.lcps.org/site/default.aspx?PageType=3&ModuleInstanceID=336264&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=421796&PageID=241480

warning that appears on all suspension notices. Again, students suspended for defiance of COVID mitigation protocols will not be charged with trespassing.

"I want to emphasize that, despite some unverified reports in the media, no students have been arrested for trespassing. Media accounts stating that LCPS is arresting students are not accurate, and create fear and potential harm for our students. We want to assure the community that our primary goal is to keep students in school, learning, and safe."

As of this date, it does not appear that there are any media reports that LCPS students had been arrested. Rather, Daily Caller reporter Chrissy Clark tweeted a video[6] of a Loudoun County assistant principal stating that it would be "considered trespassing" for any student to return to school who had been suspended for not wearing a mask. There have been several follow up stories based on that video, but upon information and belief, none have claimed that any student was arrested.

Thus, Superintendent Ziegler's press release was a textbook straw man argument to dispute rumors that did not exist, while failing to alleviate the concerns of parents about the actual statement made by the assistant principal.

Even worse, the assistant principal was not merely a rogue staffer – she was following orders. On February 2, 2022, the same day as Ms. Clark tweeted that video, Loudoun County Public Schools Director of Safety and Security John Clark sent an email to division principals outlining the steps for taking out a trespass summons/warrant from a magistrate to be served on students who entered school property after being suspended for not complying with the mask mandate.[7]

In other words, Loudoun County Public Schools provided detailed guidance on how to charge students with trespass, an assistant principal was caught on tape saying so, and Superintendent Ziegler said rumors of arrests were not true, even though there were not actual media rumors of "arrests," but it was true that LCPS was instructing staff on how to press charges for trespass.

Again, this another example of the stunning dishonesty and duplicity of an individual who heads up a school system that is responsible for educating more than 81,000 children.

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[6] Chriss Clark Tweet, February 2, 2022: https://twitter.com/chrissyclark_/status/1488955682640601088?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1488955682640601088%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fstoplcpscrt.com%2F2022%2F02%2F02%2Fassistant-principal-of-a-loudoun-county-elementary-school-informing-parents-that-children-who-come-back-to-school-maskless-will-be-charged-with-trespassing%2F

[7] "Loudoun official coached principals on getting warrants for unmasked students," Washington Examiner, February 7, 2022: https://www.washingtonexaminer.com/policy/loudoun-official-coached-principals-on-getting-warrants-for-unmasked-students

4. **Superintendent Ziegler's Illegal Declaration of an Unlawful Assembly at the June 22, 2021 School Board Meeting**

Also at the June 22, 2021 school board meeting, former Senator Dick Black gave a public comment which was greeted with applause. After the applause subsided, then Vice-Chairwoman Atoosa Reaser moved to end public comment and the school board voted 9-0 to do so.

After the premature termination of the public comment session, several attendees remained in the building, continued to make public comments to the audience, and sang the national anthem. Superintendent Ziegler eventually declared the gathering an unlawful assembly, which resulted in attendee Jon Tigges being cited and charged with trespass.

Pursuant to VA Code §18.2-406, the following constitutes an unlawful assembly:

"Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly. Every person who participates in any unlawful assembly shall be guilty of a Class 1 misdemeanor."

At Mr. Tigges's trial, Superintendent Ziegler admitted that, despite declaring an unlawful assembly, he had no legal authority to do so. He said under oath:

"Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of trial that my words were incorrect." See Exhibit G, at 68-69.

Once again, Superintendent Ziegler engaged in inappropriate action at a school board meeting and did so based on information that he did not bother to reference before taking the drastic action that led to a parent being charged with trespass.

5. **Superintendent Ziegler's Misrepresentation of Loudoun County Sheriff's Deputy in Letter to Loudoun County Sheriff Mike Chapman**

In a November 5, 2021 letter to Loudoun County Sheriff Mike Chapman, Superintendent Scott Ziegler stated as follows:

"During the quarterly update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:

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Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office:

"I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public School when the individual was charged?

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified." See Exhibit H.

Superintendent Ziegler's claim that Col. Poland said that the Loudoun County Sheriff's Office told the Board of Supervisors that he notified Loudoun County Public Schools about the charges is not accurate – Col. Poland simply said that "they were notified," but did not specify who notified LCPS.

As outlined by Sheriff Chapman in his response letter of November 10, 2021, because the arrest did not occur on school grounds, VA Code §16.1-260 Section G requires the juvenile intake officer to notify the school superintendent of any juvenile student charged with a crime. See Exhibit I. Further, according to Sheriff Chapman, following the arrest, Jason Bickmore of the Loudoun County Juvenile Court Services Unit (JCSU) confirmed to the Loudoun County Sheriff's Office that the JSCU had sent a letter to Loudoun County Public Schools informing it of the arrest.

This is yet another example of a pattern and practice of Superintendent Ziegler misleading and misstating the facts to blame others and distract from his failed leadership.

6. **Superintendent Ziegler's Misrepresentation to the Public at the June 1, 2021 School Board Work Session Regarding Equity**

At the June 1, 2021 School Board Work Session Regarding Equity, in an effort to discredit the parent movement against CRT and to assert that Fight For Schools recognized his claim that there was no critical race theory taught in Loudoun County Public Schools, Superintendent Ziegler intentionally manipulated a quote I gave to ABC7 as Executive Director of Fight for Schools.

Superintendent Ziegler stated: *"Mr. Ian Prior stated on May 19th on WJLA-TV quote, nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would teach physics or chemistry. End quote."*[8]

The actual quote to WJLA-TV on May 19th carried quite a different meaning than Superintendent Ziegler's manipulation and was as follows: *"Nobody is saying that Loudoun County Public Schools or other schools are teaching critical race theory 101 like they would*

[8] Publicly accessible video of June 1, 2021 School Board Work Session Regarding Equity: https://vimeo.com/557614738

teach physics or chemistry, but is a broad lens that's implemented through how teachers are trained and how those trained teachers teach our children; which is to view America, to view our institutions, to view our culture, tradition, and language all based on systemic racism."[9]

This is yet another clear example of Superintendent Ziegler misleading the public on an issue of public concern to the community.

7. **Superintendent Ziegler's Misrepresentation to the Public During an October 3, 2021 Interview with Sharyl Attkisson on "Full Measure"**

During an interview with Sharyl Attkisson,[10] Superintendent Ziegler was asked about the private Facebook group "The Anti-Racist Parents of Loudoun County" that plotted to cancel parents that opposed LCPS policies and included, as members, six school board members and dozens of LCPS administrator and teachers: *"There were school board members and teachers on this Facebook group that were pressing the notion of Critical Race Theory for the schools,"* Attkisson said.

Ziegler responded: *"I'm not familiar with the group, so I wouldn't comment on it."*

Once more, Ziegler knowingly misrepresented himself to the public. The private Facebook group "The Anti-Racist Parents of Loudoun County" gave rise to a Loudoun County Sheriff's Office Investigation and a massive eight-month effort to collect signatures to remove the six school board members who were in the Facebook group. In fact, at the time that Superintendent Ziegler made this statement, the removal case against a former school board member was pending in court with a hearing date for motions scheduled for that week.

Further, Ziegler was informed of the activities of "The Anti-Racist Parents of Loudoun County" Facebook group in an email on March 12, 2021 – the very day that the group was plotting to cancel dozens of parents for their views. See Exhibit I.

Additionally, following the exposure of "The Anti-Racist Parents of Loudoun County" by the Daily Wire on March 16, 2021, then-Interim Superintendent Ziegler stated the following in his "Update on Equity Work," which was released to the public via email and the LCPS website:

"It has come to my attention that individuals, including some identifying themselves as LCPS employees, have made statements across social media about parents and their thoughts about

[9] "Critical Race Theory in Disguise? Equity plan has Loudoun County parents at odds," WJLA-TV, May 19: https://wjla.com/features/i-team/critical-race-theory-in-disguise-equity-plan-has-loudoun-county-parents-at-odds

[10] "Sharyl Attkisson: Inside The Battle Over "Critical Race Theory" In Loudoun County, VA Public Schools, Real Clear Politics, October 3, 2021: https://www.realclearpolitics.com/video/2021/10/03/sharyl_attkisson_inside_the_battle_over_critical_race_theory_in_loudoun_county_va_public_schools.html

the school division's equity work. LCPS recognizes the right of its employees to free speech, but does not condone anyone targeting members of the community for their viewpoint."[11]

At the March 23, 2021 school board meeting where Superintendent Ziegler was present, numerous speakers brought up the group's activities as did school board member John Beatty.[12]

Similarly, at the August 10, 2021 school board meeting, school board member Jeff Morse brought up the group's actions and the failure of several school board members to condemn its activities.[13]

This is a seventh example, on a matter of immense public concern to Loudoun County, where Superintendent Ziegler knowingly made a false statement to the community.

8. **Superintendent Ziegler's False Statement to the Public at the September 22, 2020 School Board Meeting**

At the September 22, 2020, the Loudoun County School Board took up Draft Policy 7560 as an information item. See Exhibit J.

The policy was to be a new Professional Conduct Policy which required all LCPS employees to *"support the school division's commitment to action-oriented equity practices through the performance of the job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability."*

The policy further stated that the following would be a violation of the policy: *"Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices and which impact an individual's ability to perform their job responsibilities or create a breach in trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communications."*

The policy also stated that an employee's First Amendment rights may be outweighed *"[a]chieving consistent application of the Board's and Superintendent's state mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism."*

Finally, the policy encouraged staff to report such speech violations, and prohibited retaliation against an individual for making false reports if they were made with subjective good faith.

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[11] Office of the Superintendent: March 19, 2021 - Update on Equity Work**:** https://www.lcps.org/Page/240170
[12] Publicly accessible video of March 23, 2021 school board meeting: https://vimeo.com/527781745
[13] Publicly accessible video of August 10, 2021 school board meeting: https://vimeo.com/585378140

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This policy represented a drastic and unconstitutional assault of the First Amendment rights of teachers and staff. School board member Denise Corbo asked then-Assistant Superintendent Ziegler if LCPS had reached out to the Loudoun Education Association for input. Ziegler replied:

"This was given to LEA prior to consideration by the committee. They had the opportunity to comment on it. After the committee adopted it, I did hear from one of the LEA UniServ directors with favorable feedback. She thanked me for putting in place a policy for the division that made it clearer to employees what expected behavior was."[14]

In response, Christy Sullivan, the UniServ director for the LEA, emailed Ziegler on September 24, 2020. See Exhibit K. She stated the following:

"I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed policy 7560 ahead of time. LEA has always received all proposed [p]olicies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You Jeff Morse, and I even had an email conversation about making sure that happened. Kelly was at the virtual SB HRTD meeting: the Policy was not discussed prior to public comments. You and I ***briefly*** *talked about the policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.*

*****

"The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech."

Based on the response of the LEA, not only did then-Assistant Superintendent Ziegler mislead school board member Denise Corbo, but he also knowingly misrepresented facts to the public about a proposed code of conduct that was a blatant violation of LCPS employees' Constitutional rights.

While that policy was eventually pulled, Superintendent Ziegler later did exactly what was feared from this policy when LCPS suspended teacher Tanner Cross for exercising his First Amendment rights, off-campus, on a matter of public concern.

[14] Publicly accessible video of September 22, 2020 school board meeting: https://vimeo.com/460575112

Superintendent Scott Ziegler Should Be Removed as Superintendent of Loudoun County Public Schools

Chapter 390, Section 10 of the Administrative Code of the Commonwealth of Virginia details the qualifications required for division superintendents. Under "Personal qualities," it states that "[e]ligibility shall be limited to individuals whose records attest to good character and demonstrated ability as an educational administrator."

Further, as set forth in the Virginia Department of Education's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents," a division superintendent is to be evaluated on several criteria, including (1) Communication and Community Relations, and (2) Professionalism. See Exhibit L, at 45-47.

As part of an evaluation of a superintendent's "Communication and Community Relations," sample performance indicators include the following: "[promoting] a climate of trust and teamwork within the division," "models professionally appropriate communication skills, interpersonal relations, and conflict resolution," "establishes, maintains, and evaluates a planned two-way system of communication with community constituencies," "is politically astute and demonstrates the skills necessary to build community support to division goals and priorities," "uses acceptable written and oral language," and "treats people with respect."

Similarly, as part of an evaluation of a superintendent's "Professionalism," division superintendents "models professional, moral, and ethical standards as well as personal integrity in all interactions," "relates to board members, staff, and others in an ethical and professional manner," "serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels," "resolves concerns and problems in an appropriate manner," "respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates," and "works in a collegial and collaborative manner with *** the community to promote and support the mission and goals of the school division."

At every turn, Superintendent Scott Ziegler has demonstrated a complete and utter failure to adhere to his moral, ethical, and professional obligations as a division superintendent. He has created a climate of distrust at Loudoun County Public Schools with his repeated misrepresentations and false statements. His actions have engendered conflicts rather than resolved them. Superintendent Ziegler shows no sensitivity for his constituency, has lost the support and trust of the Loudoun community, and continues to disrespect that community with unethical and misleading spin and rhetoric. This is not the conduct of a leader who exemplifies the professional and personal integrity required to oversee the education of more than 81,000 children.

While there are likely more examples of this than the incidents cited in this letter, on major issues of public concern to the community, Superintendent Ziegler's dishonest actions have

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significantly contributed to the credibility gap that plagues Loudoun County Public Schools and has made a once great school system a national punch line.

I therefore request that, pursuant to your powers under the laws and regulations of the Commonwealth of Virginia, you recommend the removal Scott Ziegler as Superintendent of Loudoun County Public Schools.

Thank you for your consideration.

Sincerely,

Ian Prior

Ian Prior
Executive Director of Fight for Schools

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EXHIBIT A

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From: Scott Ziegler
To: School Board Confidential
Cc: Ashley Ellis; Timothy Flynn; Kevin Lewis; Joan Sahlgren
Subject: CONFIDENTIAL School Incident
Date: Friday, May 28, 2021 4:09:00 PM

Good Afternoon, Board Members,

The purpose of this email is to provide you with information regarding an incident that occurred at Stone Bridge HS. This afternoon a female student alleged that a male student sexually assaulted her in the restroom. The LCSO is investigating the matter. Secondary to the assault investigation, the female student's parent responded to the school and caused a disruption by using threatening and profane language that was overheard by staff and students. Additional law enforcement units responded to the school to assist with the parent.

The school's counseling team is providing services for students who witnessed the parent's behavior. The alleged victim is being tended to by LCSO.

As LCSO is investigating both incidents, further updates may not be available.

Scott A. Ziegler, Ed.D.
Interim Superintendent of Schools
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148
Scott.Ziegler@lcps.org

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EXHIBIT B

AMERICAN OVERSIGHT

Gmail [redacted]

Public Records Request :: R000751-010322

1 message

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 3, 2022 at 4:26 PM
To: [redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/3/2022 and given the reference number R000751-010322 for tracking purposes.

Records Requested: -Any report or documents prepared by Blankingship & Keith, P.C. in conjunction with the independent investigation (hired on October 28, 2021 and announced on November 5, 2021) into LCPS's handling of allegations of student sexual misconduct at Stone Bridge and Broad Run high schools.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

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EXHIBIT C

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Gmail [redacted]

[Records Center] Public Records Request :: R000751-010322

Loudoun County Public Schools Public Records <lcps@govqa.us> Mon, Jan 10, 2022 at 4:46 PM
[redacted]

--- Please respond above this line ---

Mr. Prior,

There is one record responsive to your request, which is being withheld from disclosure in its entirety under Va. Code § 2.2-3705.1(2) relating to materials protected under the attorney client privilege. Furthermore, portions of the record are being withheld from disclosure under. Code § 2.2-3705.4(A)(1) relating to scholastic information and Va. Code § 2.2-3705.1(1) relating to personnel information concerning identifiable individuals.

I also want to let you know that you currently have an outstanding charge of $72.15 that has been outstanding for over 30 days. Please be advised that a public body may require a requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing under Va. Code § 2.2-3704(I).

- Wayde B. Byard

To monitor the progress or update this request please log into the Public Records Center

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EXHIBIT D

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Gmail [redacted]

Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Sat, Jan 15, 2022 at 5:31 PM
[redacted]

Powered by GovQA

Dear Ian Prior:

Thank you for your interest in public records of Loudoun County Public Schools. Your request has been received and is being processed in accordance with the Virginia Freedom of Information Act. Your request was received in this office on 1/15/2022 and given the reference number R000758-011522 for tracking purposes.

Records Requested: -The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Virginia Freedom of Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Loudoun County Public Schools

To monitor the progress or update this request please log into the Public Records Center

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EXHIBIT E

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Gmail [redacted]

[Records Center] Public Records Request :: R000758-011522

Loudoun County Public Schools Public Records <lcps@govqa.us> Fri, Jan 21, 2022 at 11:27 AM
[redacted]

Powered by GovQA

Dear Ian Prior,

RE: PUBLIC RECORDS REQUEST of January 15, 2022, Reference # R000758-011522

Dear Ian Prior,

The Loudoun County Public Schools received a public information request from you on January 15, 2022. Your request mentioned:

"-The retainer agreement between LCPS and Blankingship and Keith, signed on or around October 28, 2021, for the purposes of an independent review of LCPS's handling of the sexual assaults at Stone Bridge and Broad Run and announced by Superintendent Ziegler on November 5, 2021."

This email is to notify you that no records exist. Your request has been closed.

If you have any questions, please contact my office at . Thank you for your attention.

Sincerely,

Wayde Byard
Communications and Community Engagement

To view the full details of this request please log into the Public Records Center.

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EXHIBIT F

AMERICAN OVERSIGHT

B&K Blankingship Keith pc
4020 University Drive
Suite 300
Fairfax, Virginia 22030
T: 703.691.1235
F: 703.691.3913

JOHN F. CAFFERKY
jcafferky@bklawva.com

June 15, 2021

By electronic mail (scott.ziegler@lcps.org)

Loudoun County School Board, c/o
Scott A. Ziegler, Ed. D.,
Division Superintendent
21000 Education Court
Ashburn, VA 20148

Re: Proposal to Provide Interim Outside Division Counsel Services

Dear Dr. Ziegler:

Following up our recent telephone conversation, this letter will confirm and constitute my firm, Blankenship & Keith, PC's (the "Firm") offer and intent to provide necessary legal services to the Loudoun County School Board, and Loudoun County Public Schools (LCPS) beginning July 1, 2021, on an interim "as needed/as requested" basis as a result of the retirement of LCPS Division Counsel later this month.

As I have mentioned, my practice over the last 35 years has been devoted primarily, and now almost exclusively, to representing Virginia school boards and school divisions. I have served (and serve) as Division Counsel to several, and outside counsel to numerous others. Both from experience and from talking to Mr. DeVita, I believe I have a good idea of the Board's and the Division's legal needs, as well as the way in which Division Counsel works with the various outside counsel (most of whom I know well) whom LCPS regularly engages. At the same time, I am confident that Mr. DeVita is familiar with my experience, and I have had some opportunity to work with your Board. Nonetheless, if you would like a detailed list of references, I would be more than happy to provide them.

My Firm will provide general advice and representation to LCPS and the School Board on all routine legal matters and, if requested, attend meetings of the School Board. Examples of routine matters that would be included are rendering advice over the telephone or by email to the School Board, the Superintendent and designated members of the Superintendent's staff, as appropriate; consulting with approved staff members as necessary to provide advice; and rendering written advice in circumstances which do not require substantial amounts of research.

In addition to general, routine representation, the Firm will provide legal advice and representation on non-routine matters when requested and agreed upon. Non-routine matters include litigation, complex hearings, EEOC complaints, OCR investigations, extensive contract review and negotiation, and other specific engagements requiring a significant amount of time. We will consult with you prior to opening separate non-routine matters so that you know, in advance, and have a clear

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VA-DOE-22-0316-B-004705

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JOHN F. CAFFERKY
jcafferky@bklawva.com

understanding of what will result in supplementary legal fees. In addition, we will provide you with status updates from time to time during this engagement.

Our work under this agreement will be subject to the attached LCPS Guidelines for Outside Counsel ("Guidelines"). In the event of a conflict between this letter and the Guidelines, the Guidelines will control.

The Firm now includes a team of partners and associates who also provide legal advice, and litigation representation, to school boards and school divisions. These include, among others, Partners Bill Porter and Laurie Kirkland, who work with schools in litigation and HR matters; Jeremy Root, Giff Hampshire and Quint Robinson, who handle transactional and landuse matters; and Associates Melissa Little, Emily Haslebacher and Ian McElhaney, among others. Bios of all of them (in addition to mine) are available on our firm website.

For the sake of simplicity, we would propose to charge $300 per hour for work by partners, and $250 for Associates. This is the same rate as we charge to our regular school clients, and a significant discount from our regular rates, as well as a reduction from the rate we have been charging for occasional LCPS projects. We do reserve the right to review and revise our hourly billing rates as appropriate.

One important recommendation I have is that legal work should flow to, and from, Division Counsel via some established protocol. This prevents both left hand/right hand-type misunderstandings, as well as over-use of legal resources. Typically, I recommend that on the Board, the Chair and/or Vice-Chair have the ability to seek advice on behalf of the Board, and that other individual Board members go through the Board leadership do to so. On the Division side, typically I would communicate with the Superintendent and leadership team-level administrators, as well as those other school administrators or staff whom they in turn identify.

We bill on a monthly basis so it will be possible for you to monitor the work and the resulting fees on a regular basis. These bills will be sent to the Superintendent's office with a copy to the Director of Procurement's office. I or my designee will review all monthly invoices to see that they are appropriate, and you should feel free to discuss with the Firm any questions concerning any invoice. These bills will include charges for courier/delivery, postage, and court reporter costs as well as any additional sums that we advance on your behalf in relation to a case or matter. Our bills are due upon presentation, and though we have not found it necessary to do so, we reserve the right to charge interest at 6% per annum on any amounts that remain unpaid for more than 30 days.

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VA-DOE-22-0316-B-001706

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JOHN F. CAFFERKY
jcafferky@bklawva.com

It is essential to our representation of you that you cooperate with us fully and provide us all the information we need to assist the Board and Division. I encourage clients to keep detailed notes of questions that may arise and of any new information or other important matters that come to your attention.

One additional suggestion in that regard: Some of our regular clients have found it helpful to have the attorney on-site, in order to be available for staff to be able to drop by with questions that may arise, rather than always having to email them. I would be prepared to arrange to be on-site at LCPS central administration, say, twice per week on some scheduled basis for that purpose. In that situation, I do not charge billable time for the travel, nor for time while there spent on non-LCPS matters.

Communication via email is not necessarily the most secure means of communication, though nowadays, it is widely employed. In any event, by signing this agreement, you acknowledge that we may correspond by email, notwithstanding the risk that communications may be intercepted by third parties.

If at any time you become dissatisfied with our handling of any matter, you should not hesitate to tell me immediately so we can resolve the problem and maintain a good relationship with you. LCPS may terminate our representation at any time. In the event of termination, LCPS will be responsible for payment of any fees earned or expenses incurred. Blankingship & Keith may terminate this relationship upon written notice and only as permitted or required by laws and regulations, or if you fail to cooperate or follow our advice on a material mater, or if there exists at any time a factor circumstance that would, in our opinion, render our continuing representation unlawful, unethical, or otherwise inappropriate. Failure to pay fees or expenses will be cause for such termination.

The Firm also agrees, upon termination, to undertake steps to the extent reasonably practicable to protect your interests, including allowing time for employment of other counsel and providing your file as required by the Virginia Rules of Professional Conduct.

The Firm will take reasonable steps to protect the confidentiality of all confidential information obtained during the course of our representation of you including after the termination of the matter. If the Firm receives a demand from any person or entity for the contents of your file, the Firm will use its best efforts to immediately notify you of such a demand so that you may take what efforts you think appropriate to resist or comply with the demand.

The Firm shall provide services as an independent professional. Under no circumstances will the Firm be considered an employee of the School Board.

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The Firm shall assume all risks for damage or injury to their property, their person, or to their employees or subcontractors as a result of or in connection with the contracted services. The Firm shall assume responsibility for damage they cause to the property of others as well as any personal or bodily injury they cause to others in connection with the agreed upon services.

The Firm shall maintain in force during the term of this engagement general liability and lawyers' professional liability insurance, with coverage of at least One Million Dollars ($1,000,000) for each occurrence, insuring itself and its agents and employees for their wrongful acts, omissions or negligence. The Firm shall provide to LCPS evidence of such insurance coverage in the form of a Certificate of Insurance.

If the terms of this engagement letter are acceptable, please sign below and return a signed copy to me.

Please call me if you have any questions regarding the terms of our proposed representation. We look forward to the prospect of working with you, LCPS and the Board.

Very truly yours

John F. Cafferky

Accepted By:

Scott A. Ziegler, Ed.D.
Division Superintendent
Loudoun County Public Schools

Signature: _____

Date: June 16, 2021

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VA-DOE-22-0316-B-001708

GUIDELINES FOR OUTSIDE COUNSEL

These guidelines provide for when and how to bill for services, describe reimbursable costs, and provide expectations for planning and budgeting for legal cases/projects reasonably anticipated to meet or exceed $10,000. Legal services may be procured by competitive negotiations for any cases/projects or other matters whose aggregate phases are expected to meet or exceed $60,000.

I. BILLING

A. Format. A separate billing statement should be submitted for each School Board case/project for which the Firm or attorney is working. If the Firm submits a single statement, itemized billable hours and disbursements for each project should be set forth in a separate section of the statement. The following information is required on each billing statement with respect to each case/project:

1. Title of the project (assigned upon retention of services by the responsible School Board staff member).

2. Name of the outside attorney in charge of the project.

3. For each date that services are rendered, a description should accompany the entry and the amount of time spent (see Paragraph B below) and be written with sufficient specificity so that the School Board staff member may understand the nature of the time spent, the specific subject matter and transaction and should include factually detailed information.

4. Entries should be listed or compartmentalized in a fashion that facilitates redaction of confidential information, if necessary.

5. Total hours billed for the period by each provider of services.

6. Billing rate for each provider of services.

7. Specific fee arrangements, if applicable.

8. Aggregate fees for the monthly billing period.

9. Itemized disbursements for the monthly billing period.

10. The Total Approved Budget for the Case/Project, if any.

11. The total amount billed on the case/project from inception through the current bill.

12. No bill should be submitted with blocked/bulk time entries. Time entries must be separated by each task performed.

B. Rates and Practices

1. Notice of any changes in rates must be provided to the School Board, in writing, before becoming effective.

2. Hourly billable rates shall be billed in six (6) minute increments as reflected by one/10th (.10) increments on a monthly bill. Quarter (.25) incremental billing or minimal fifteen (15) minute billing increments are prohibited.

3. Cases and matters should be staffed by the fewest number of attorneys and paralegals necessary to perform the work effectively and efficiently without jeopardizing quality.

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4. The School Board will not pay for the attendance of more than one attorney at meetings, depositions, interviews, hearings or other investigative and/or pre-trial matters, unless approval is obtained at last seven (7) days in advance.

5. Selection of attorneys and legal assistants to work on an assigned case/project should be identified in plans and budgets for projects anticipated to meet or exceed $10,000 and agreed to by the School Board. The School Board generally prefers not to have first- or second-year associates or summer associates assigned to its cases/projects. If it is necessary to associate with counsel outside the firm, or to retain experts to work on a project, you must advise us in advance of the need for their involvement, their billing rates and the budget for their services and obtain our approval before retaining them regardless of whether costs are reasonably anticipated to meet or exceed $10,000.

6. The School Board will not pay for the Firm's attorneys/paralegals participating in internal Firm meetings or discussions without our presence. The School Board does not pay to offset the training or supervision of associates or others. We also ask you to keep to a minimum the number of attorneys participating in telephone and office conferences with us for whom you intend to bill.

7. The School Board retains outside counsel for their expertise in the areas of law involved in a project. Therefore, we do not expect basic research, seminars, or other trainings to be part of any plan, budget, or billings. Any proposed material research memoranda should be itemized in any approved plan and budget. Research on a body of law that outside counsel should be familiar will not be allowed.

8. Duplication/repetition of effort among staff members must be avoided.

9. Attorneys and paralegals may not bill for clerical tasks.

10. The School Board will not pay to bring associates or staff up to speed on a case due to unforeseen changes in staffing by the Firm.

11. The School Board will not pay for time spent in preparing, revising, or discussing budgets or bills or answering questions about the budget or bills.

C. Frequency and Retention of Bills

1. Unless another arrangement has been agreed to in writing, bills should be submitted monthly, no later than fifteen (15) days following the last business day of the month during which services were rendered.

2. Outside counsel is required to prepare and maintain all bills and supporting documentation for seven (7) years. For audit purposes, daily time sheets maintained by attorney name, caption, date, time with a detailed description of services are to be included in the needed documentation.

II. REIMBURSEMENTS

A. Travel

1. Travel to and from meetings, depositions, hearings, trials, etc. shall not be allowed except with advance approval and shall be paid at one-half the usual hourly rate or the Firm's travel rate, whichever is lower, for in-state travel. If the Firm has no travel rate that is customarily charged to clients, then there shall be no travel rate charged to the School Board or if the customarily charged rate is lower than the formula here, then the School Board shall receive the benefit of the lower rate.

2. Travel time and expenses will be disallowed if travel distance from outside counsel's office to destination is within a ten (10) mile radius, including travel time to and from the courthouse or other destination for attending hearings or depositions or the filing of pleadings or other litigation or pre-litigation activities.

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3. Should out-of-state travel become necessary, outside counsel shall always seek pre-approval from the responsible School Board staff member. When the occasion arises, outside counsel should seek the most economical means of travel and instruct travel agents accordingly. In any event, air travel will not be reimbursed at more than coach (domestic) or business class (international) rates. Similarly, expenses for lodging and ground transportation should be as economical as reasonably feasible. Receipts are required for all travel expenses, except meals. Meals will be reimbursed at $61 per full day.

4. Outside counsel is urged to plan travel so that travel time may be used to work either on the School Board matter for which the travel is being undertaken or for other clients so as to avoid billing the School Board for unproductive time.

B. Digital Legal Research

1. Major computerized research projects should be authorized in advance. A computerized research project is considered major when the online time is expected to exceed three (3) hours. Repetitive research queries that duplicate prior research conducted in other cases on the same issue will not be allowed. However, reasonable time to update and/or modify prior research for use in a new case is acceptable, and therefore, compensable.

2. Should the need arise for outside counsel to retain an expert, other specialized service provider, or other specialized services, written pre-approval must be obtained from the responsible School Board employee at least seven (7) days in advance of retaining the expert, the service provider or specialized services.

3. Charging for the use of a "litigation support department" or other such personnel to handle eDiscovery or other electronically stored information shall be prohibited in routine matters and may be considered by the School Board only upon advanced written request from the Firm containing a stated budget estimate.

C. Other Reimbursements

1. The School Board will not reimburse for courier service or expedited mail when the urgency is a matter within outside counsel's control.

2. The School Board will reimburse the following disbursements as indicated:
   (i) Lexis/Nexis and/or Westlaw Cost
   (ii) Law firm photocopies cost, not to exceed $.05/page
   (iii) Postage/courier cost
   (iv) Office long-distance telephone and fax cost
   (v) Printing and binding cost

3. The School Board will not reimburse for the following:
   (i) Mail handling
   (ii) New File Set up
   (iii) Calendar maintenance
   (iv) Copying when digital copies could have been provided,
   (v) Faxing,
   (vi) Data Entry
   (vii) Routine Scheduling
   (viii) Enclosure or transmittal letters (attorney or clerical time)
   (ix) Secretarial overtime
   (x) First Class airfare
   (xi) Scheduling of events, i.e., depositions, hearings, etc.

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III. LEGAL PROJECT MANAGEMENT PROCEDURES

A. Plan and Budget

1. For legal projects, whether transactional or litigation, strategic plans and budgets are the primary mechanisms by which the School Board collaborates with outside counsel to promote the best legal/business result possible. This enables the School Board to most effectively manage and monitor a project, to control costs and plan internal department budgets, and to mobilize needed in-house resources. In litigation matters, it permits the School Board to evaluate potential exposure, to analyze settlement values and approaches and to develop the most effective strategies for successful dispute resolution.

2. Consequently, a plan and budget must be prepared at the inception of any case or legal project for which costs are reasonably anticipated to meet or exceed a total of $10,000. No payment for services will be authorized until a plan and budget have been submitted and approved.

3. The School Board will not pay for time spent preparing or revising project plans and budgets.

4. The budget should represent a realistic estimate of the time expected to be required, taking into consideration known facts and circumstances. The total budgeted expense should be expressed as a dollar amount, not a range, and should not factor in unforeseen contingencies. For complex projects, the plan and budget may encompass only the initial phase of a project. Subsequent phases may be planned and budgeted later.

B. Essential Components

1. The degree of detail required will vary with the complexity and projected total cost of any given assignment and should be discussed with the responsible School Board department when retained. At a minimum, a Legal Case/Project Budget must be completed and approved for each legal project meeting the criteria. The following information should be provided:

2. Name of case/project.

3. Identification of partners, associates and legal assistants who will staff the project and their billing rates.

4. A description of the legal project, itemizing the material legal services to be undertaken, the estimated hours/cost required for each and the key milestones (by date or time period, as appropriate) for completion.

5. Identification of any significant expected expenditures for experts, travel, printing, filings, exhibits, eDiscovery and the like.

6. For litigation: an evaluation (to be updated or refined as developments warrant) of probable exposure/award ranges, settlement prospects and strategies, and opportunities for alternative dispute resolution.

7. For non-litigation: preliminary identification of primary areas of legal or factual investigation or research, and/or proposed strategy.

8. In many cases, we anticipate that the plan and budget will be created following discussions among the School Board, business services representatives, Division Counsel, and outside counsel, at the inception of the project. After the School Board has received the plan and budget from the Firm, we will discuss any questions or comments we may have, and any changes required before the plan and budget are approved.

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C. Revisions of the Plan and Budget

1. The budget represents the total amount authorized to be paid for the specific legal project unless a revised budget is approved by the School Board.

2. In the event unforeseen developments signal that the budget is in danger of being exceeded, outside counsel will inform the School Board before the budget is exceeded in order to discuss the new developments, the alternative strategies available, and to agree upon a revised plan and budget for the project.

3. A revised budget must be approved before services will be authorized in excess of the original budget.

D. Reporting. Outside counsel are not required to provide written reports provided the School Board department head is kept informed of substantial developments or unless a written report is requested by the School Board department head.

E. Documentation. Outside counsel must always provide the School Board department head the following documentation in a timely manner:

1. Copies of all pleadings and amended pleadings, reports, evaluations, memoranda, legal research, legal opinions, or other substantive documents that are either prepared or received by outside counsel.

2. A copy must also be sent to Division Counsel when applicable.

F. No payment will be made for preparation of pleadings and other substantive documents when copies have not been furnished to the School Board for advance review and/or approval.

IV. DISPUTE RESOLUTION

A. Regarding any dispute with the Firm, the Firm shall first be required to seek the decision of the Division Superintendent prior to instituting any legal action in any court. All legal actions shall be brought in the Loudoun County Circuit Court. Each party will pay their own legal fees.

B. Binding arbitration is strictly prohibited.

C. Non-binding mediation may be mutually agreed upon by the parties.

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EXHIBIT G

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1

IN THE GENERAL DISTRICT COURT OF LOUDOUN COUNTY
----------x
COMMONWEALTH OF VIRGINIA, :
Plaintiff, : Case No.
vs. : GC 21002176-00
JON TIGGES, :
Defendant. :
----------x

Hearing
Before the Honorable IAN R.B. WILLIAMS
Leesburg, Virginia
Wednesday, September 22, 2021
9:32 a.m.

Job No.: 401256
Pages: 1 - 176
Transcribed by: Teresa R. Salazar

2

Hearing held at:

LOUDOUN GENERAL DISTRICT COURT
18 East Market Street
Leesburg, Virginia 20176
(703)777-0312

Pursuant to agreement, before Brendon Cuenca, Notary Public in and for the State of Maryland.

3

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:
BUTA BIBERAJ, ESQUIRE
LOUDOUN COUNTY ATTORNEY'S OFFICE
20 East Market Street
Leesburg, Virginia 20176
(703) 777-0242

ON BEHALF OF THE DEFENDANT:
CHRISTOPHER I. KACHOUROFF, ESQUIRE
DOMINION LAW CENTER, P.C.
13649 Office Place
Suite 101
Woodbridge, Virginia 22192
(703) 365-9900

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A P P E A R A N C E S
(Continued)

ON BEHALF OF DEFENDANT:
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ALSO PRESENT:
Jon Tigges, Defendant

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P R O C E E D I N G S

MS. BIBERAJ: Good morning, Judge. Buta Biberaj for the Commonwealth.

THE COURT: Good morning, again. Got Mr. Tigges somewhere?

MR. TIGGES: I'm here, sir.

THE COURT: That's you?

MR. TIGGES: That's me.

THE COURT: Where's your lawyer?

MS. BIBERAJ: Judge, they were outside just a moment ago.

THE COURT: Okay. All right.

All right. Is it Mr. Davis? Is that right?

MR. KACHOUROFF: Mr. Tigges, Your Honor.

THE COURT: No, no, but what's your name?

MR. KACHOUROFF: Good morning, Your Honor. My name is Chris Kachouroff.

THE COURT: Nice to see you.

MR. KACHOUROFF: I'm Co-Counsel with

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Josh Hetzler --

THE COURT: All right.

MR. KACHOUROFF: -- on this matter.

THE COURT: All right. Thank you very much. And this matter comes on, on a trespassing charge. I take it there's a plea of not guilty to that charge?

MR. KACHOUROFF: You would be correct, Judge.

THE COURT: All right. Are there any preliminary matters that need to be addressed before we start the trial?

MS. BIBERAJ: Judge, there would be request to rule on witnesses. Other than that, no, sir.

THE COURT: All right. How many -- let me ask the Commonwealth, how many witnesses do you have?

MS. BIBERAJ: Judge, we have potentially six.

THE COURT: Six witnesses. How many do you have?

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MR. KACHOUROFF: At this time, I don't have any witnesses to put on.

THE COURT: Okay. All right.

MR. KACHOUROFF: I do have one housekeeping matter, though, Your Honor.

THE COURT: Okay. Let's -- let me swear the witnesses first.

MR. KACHOUROFF: Okay.

THE COURT: And then I'll take up the other housekeeping matter.

Let me ask any person here as a witness in the case of Commonwealth versus Jon Tigges to please stand, raise your right hand to be sworn at this time.

Do you and each of you swear or affirm the testimony you'll give here today will be the truth and the whole truth, under penalty of law?

THE WITNESSES: I do.

THE COURT: Thank you. And who would be your first witness? I'll let the others go out in the hall.

MS. BIBERAJ: Judge, Dr. Ziegler will

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be my first witness.
THE COURT: All right. He can stay where he is right now. The other witnesses need to go out in the hall. Do not discuss this case while you are waiting. And we will call you if and when you're needed as a witness.
THE COURT REPORTER: Your Honor, would you like to swear me in?
THE COURT: Do you swear or affirm you'll transcribe the evidence and the testimony presented here today to the best of your ability under penalty of law?
THE COURT REPORTER: I do.
THE COURT: Thank you very much.
THE COURT REPORTER: Thank you.
THE COURT: All right. And you said you had some matters you wanted the Court to address?
MR. KACHOUROFF: Yes, Your Honor. The first thing, he's been charged under 18.2-119 and for being warned for trespass at a school board assembly. I believe the correct charging statute

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should be 18.2-128, which is trespass upon school property is what this case arises out of, and so I would request that the Commonwealth either amend it or move to dismiss. I think they'll amend it.
THE COURT: I don't know. What's your response to that?
MS. BIBERAJ: Judge, if the Court would grant me one second.
Judge, we would ask the Court to amend it to 18.2-128, Subsection B.
THE COURT: 18.2-128, B as in?
MS. BIBERAJ: B as in Boy, sir.
THE COURT: Bob. Any objection to that?
MR. KACHOUROFF: No, Your Honor.
THE COURT: All right. That's done. That's amended. Any other preliminary matters that need to be addressed?
MS. BIBERAJ: Not on the part of the Commonwealth.
MR. KACHOUROFF: No, Your Honor.

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THE COURT: Okay. Would either counsel like to make an opening statement?
MS. BIBERAJ: We would, Judge, briefly.
THE COURT: If either counsel at that distance may lower your mask if you wish to communicate more efficiently.
MS. BIBERAJ: Thank you, Judge, and I may do that just when addressing the Court. Thank you for the benefit to be able to do that. Good morning.
THE COURT: Good morning.
MS. BIBERAJ: Judge, on June 22nd of 2021, in the Loudoun County Public School administration building located in Loudoun County, there was a school board meeting. Based on the incidence of that evening, it was assessed that the level of risk to the community as far as individuals becoming agitated and aggressive, the school board ended up terminating the public comment.
That was made -- the announcement was made by Dr. Ziegler, who is the agent of Loudoun

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County Public School System, directing individuals to go ahead and vacate the boardroom. That warning and that request was repeated on numerous occasions.
Mr. Jon Tigges, who we'll identify for the Court as the person in the courtroom here today --
MR. KACHOUROFF: We'll stipulate.
MS. BIBERAJ: -- ended up refusing to leave when specifically asked whether or not he was going to leave. He was then placed under arrest. Later, after some of the other incidences related to the crowd control, he was released on a summons and is here today for trial.
We would ask the Court at that point to find that he willfully refused to leave the premises as directed by the proper authorities and, therefore, is guilty of trespass upon school property. Thank you.
THE COURT: Okay. Would you like to make an opening?

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MR. KACHOUROFF: Please, Your Honor, briefly.

May it please the Court, this was a school board meeting and under Virginia law, as the Court may know, I think it's 2.2-3707, the open meeting statute, all public meetings that are designated for -- as a public forum, you're entitled to have the public there listening.

Now in this particular open meeting case, you have a school board that decides to terminate public comment, and they decide to terminate public comment because people are not showing applause this way. And I'm motioning with my hands. They call them -- I don't know if they call them glee hands or jazz hands, where that's how they show their approbation and applause to a speaker. The school board didn't like this (claps hands), so -- and I'm clapping, obviously for the court reporter's benefit.

So in this open meeting statute where you have a crowd that's present, they have a right to be there. It's a duly noticed meeting.

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The school board sets the time, place, and manner. They actually designated a portion of the public meeting for public comment. Now they decided to terminate public comment and went on recess. The public meeting wasn't over. The public had a right to be there. Indeed, one the deputies stayed for that meeting after the room was clear because he wanted to hear a point that was going to be discussed, so basically operating as a member of the public at that point.

I heard my colleague say that it was assessed that there was a risk, that there was this level of agitation and safety to the public. Well, Virginia statutes cover that, and they have codified -- the general assembly had codified a well-known statute. It's the unlawful assembly statute and that statute is probative here because, first of all, the superintendent, as you'll hear -- I know they won't deny this. They can't because it's on tape -- declares this to be an unlawful assembly.

And under the Virginia Code, in order

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for this to be an unlawful assembly, there's two things that have to occur and this is under 18.2-406. First, three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety, peace, or order, and the assembly actually intends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, etcetera, etcetera.

So there's two components, lawful or unlawful use of force or violence and likely -- and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breach to public safety, peace, or order. Then the statute declares it is an unlawful assembly.

So we have a conundrum that you'll face when you -- the issue in this case is this. Was the superintendent correct in dictating that this was an unlawful assembly? I fully expect the

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officers who I spoke with moments ago to testify that they declared of their own determination that the trespass should be declared, nothing to do with the superintendent's declaration of unlawful assembly. I suspect they know that there's not three or more persons.

There was an incident and you'll hear about that but essentially, if you look at brief chronology, and I generally hate doing chronologies because they're tedious, but generally speaking, the board doesn't like the clapping. They warned the crowd not do it again, so the crowd for the most part complies. Then Former Senator Dick Black gets up with a rousing speech and they can't help themselves and they clap. The clapping dies down.

The board determines that it is going into recess and they're terminating public comment. They didn't terminate the meeting, just public comment. So during this time, Jon Tigges stood up and said to the folks, look, we all came here to talk, so while they're in recess, why

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don't each of you say what you wanted to say, take a minute and address the crowd since nobody's in the room, and they were still waiting for the board to resume on the dais.

During that time, a squabble breaks out. Somebody in the front row, a gentleman who was already -- his case has being adjudicated in the circuit court -- a leftist protestor came up to him and said that his daughter wasn't really molested in school. He --

MS. BIBERAJ: Objection, Judge. I don't mean to interrupt, but this has nothing to do with the proceedings before the Court. It's only intended at this point to prejudice the Court for some other unrelated matter and I would object and ask Counsel to stick to the issues of June 22nd, as they relate to Mr. Tigges.

MR. KACHOUROFF: My understanding was she opened the door when she said there was a risk of -- high level risk of agitation. If she's not going to bring that up and I'll stipulate then that we -- that's irrelevant to

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the case by her proffer. I mean, that's up --

THE COURT: Well, I understand that she's saying the argument is not relevant.

MR. KACHOUROFF: Right. So I'm stipulating that that's not relevant.

THE COURT: (Indiscernible).

MR. KACHOUROFF: That makes her case more difficult to prove this unlawful assembly, so that -- I'll accept it as is, if that's what she wants.

THE COURT: Has he correctly recited your position on this?

MS. BIBERAJ: No, Judge. The point that I was making is what was the reason as to why that person that was unrelated to Mr. Tigges, as far as their interaction, was arrested and what may have happened or not happened was not before the -- is not before the Court on that issue, so what happened to Mr. Smith -- is the person that he's referring to -- is not an issue before the Court. That was the point that I was objecting to. Everything else, he's more than

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welcome to continue.

MR. KACHOUROFF: I'm merely reciting facts to you, Judge, of what's transpiring, so if she -- they're going to raise this issue, and so I'm just going to briefly go over it and you can decide -- you, as the fact-finder and experienced judge can determine whether it's relevant or not relevant.

But essentially, one of the officers comes up behind the guy. They don't -- grabs him. He says, get off me. They all tackle him. In the meantime, Mr. Tigges is at the front and he says -- tells everybody just to wait, stand down until the police do their job. So the police remove this gentleman. There was no further incident.

They continue the public speaking. It goes on for another five minutes. Everybody's being orderly. There were some people singing "The Star-Spangled Banner" or the National Anthem, if you will, and then the superintendent comes on the scene and he says that this -- he's

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declaring an unlawful assembly, at which point the sheriff's department then comes on board and says, y'all have to leave. You're being warned for trespass.

Sheriff's department is going to get up here and I expect them fully to testify in the same manner that they told me just moments ago, that they made their determination of trespass separate and independent of the unlawful assembly that was declared by the superintendent. So there's problems with that, of course. First of all, there was no unlawful assembly. Secondly, the sheriff's department doesn't have the authority to clear that room, a public meeting, unless there some reason to clear it, some reason that trumps the First Amendment, trumps the open meeting laws in Virginia.

So I would argue, Your Honor, that under the statutes that we have, 18.2-128, a trespass upon school property which is before you, Subsection A talks about people being there, that you're not allowed to be on the property,

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other than to attend a meeting or service held or conducted in such church or school property. So they were there to attend the property, and Subsection B says, it shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of any direction to vacate the property by a person authorized to give such direction.

The sheriff's department has no authorization to end the public meeting. Only the school board can. The public meeting hadn't end -- I want to just clarify that. That's what the issue is. The public comment period had ended. Based upon that, the Commonwealth cannot prove their case. It's not possible to show that there was an unlawful assembly. The school board just can't sua sponte of their own accord decide that they don't want to hear any more of the public or they don't want to face their constituents. They just can't. Their authority to terminate a meeting, well, we don't even get

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to that question because the school board never did.

When the room was cleared, they then came back and conducted the meeting and I maintain in violation of the open meeting law, but the point is that's not what's before you. What's before you is whether the sheriff had the authority independent of the superintendent to clear the room for trespass, to clear a lawful and valid public assembly that was there for a public purpose, to lawfully clear them for -- and warn them for trespass and arrest those people on the board. They did not.

Thank you, Your Honor.

THE COURT: Okay. Thank you. The Commonwealth will call its first witness.

MS. BIBERAJ: Judge, our first witness will be Dr. Ziegler, please.

THE COURT: Dr. Ziegler, come forward to the witness stand, which is up here to your right. You were sworn earlier with the other witnesses. And have a seat and you will be asked

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questions by the Commonwealth attorney first, and then the attorney for the Defendant may also have questions for you. Thank you.

THE WITNESS: Yes, sir. Thank you.

Whereupon,

DR. SCOTT ZIEGLER,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MS. BIBERAJ:

Q. Good morning, Dr. Ziegler.

A. Good morning.

Q. Dr. Ziegler, can you state your full name for His Honor, please?

A. Sure. Dr. Scott Ziegler.

Q. And I'm going to direct your attention please to June 22nd of 2020.

Were you employed on that day?

A. Yes, I was.

Q. And what was your -- the capacity of your employment?

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A. I was, on June 22nd, the interim superintendent of Loudoun County Public Schools.

Q. All right. And can you give the Court a little bit of information as to what does that mean in relationship to your position and authority with the Loudoun County Public Schools?

A. The superintendent is charged with the day-to-day operations of the school, and proposing budgets, overseeing instruction, overseeing operations. Basically, the superintendent is the CEO of the organization.

Q. Excellent. And on that particular day, could you tell the Court please around about the 6 o'clock hour, where were you?

A. I was in the boardroom.

Q. Okay. And prior to that time -- I want to just lay a little bit of the background -- was there a school board meeting already planned for on that day?

A. There was.

Q. All right. And did it come to your attention that this board meeting was going to be

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heavily attended?
A. Yes.
Q. And how did you come to learn that?
A. Intelligence provided by our security director and also shared with -- my understanding is with the Loudoun County Sheriff's office -- led us to believe that there would be a large number of people in attendance at that meeting. We also do sign-ups for public speaking and there was an unusually large number of individuals that signed up for public speaking.
Q. Do you know what the capacity is of that boardroom?
A. It is just under 700.
Q. Okay. And at some time, based on your observations from that evening, was it near capacity, at capacity, greater?
A. It was at capacity. We had -- as far as I could see -- nearly every chair was filled and there was individuals standing along the back wall. I believe the count at the door was 669 or thereabouts.

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Q. Okay. The way that the board meetings are set up, can you just please describe for the Judge as to how the room is set up, as far as the dais and the public, where they sit relative to one another.
A. The dais is a curved desk-like structure. All nine members of the school board sit behind that I sit behind that as well. One school board member was attending via videoconferencing that evening. About 10 or 12 feet in front of the -- well, about six feet, there is a podium with a computer control on it, and another six feet beyond that is the first row of the gallery. And then staff sits up on -- generally on either side but staff has tables and desks on either side of the dais.
Q. Okay. The building wherein this meeting was held, is that owned by the Loudoun County Public School System?
A. It is.
Q. And can you tell the Judge, please, where is that located?

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A. At 21,000 Education Court in Ashburn.
Q. All right. And is Ashburn in Loudoun County?
A. It is.
Q. While the meeting was taking place on the dais, there's some mention of counsel as far as what proper decorum is for those who attend those meetings.
Can you give the Court a little bit of information as to how audience is expected and directed to act when they attend such meetings?
A. It is designed to be a respectful venue, where the public -- during that portion of the meeting when the public is giving their comment, the chair often asks -- and it is posted both in the sign-ups and in the agenda -- about proper decorum for the school board. And so that means being respectful of other speakers, not doing things like booing or offering gestures to speakers with whom you agree or disagree, and basically the chair would ask for the room to be generally quiet and respectful of speakers.

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Q. Okay. And is that done so that each person who is speaking can have their time to speak and be heard?
A. That's correct, yes.
Q. On this particular evening, did something happen from the start of the meeting into the meeting that caused you to be concerned or have concerns as to the behavior that was being conducted during the meeting?
A. Yes, ma'am. One, it was a large crowd, so I was concerned about -- if there was an emergency -- about people being able to get out of the room expeditiously if we had to evacuate but there was also several instances where the crowd would get loud and disrespectful to speakers.
There was a lot of booing. There was a lot of finger-pointing. There was shouting from the gallery during several public speakers' comments either before or afterwards. I saw people that were raising fists, that were giving the finger. All of these things were occurring early in the meeting on a regular basis and got to the point

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where it was so rancorous that the board chair declared a brief recess.

Q. Okay. So now I want to go a little bit back into your personal background.

What about having seen that type of behavior caused you to be concerned, you said, for the safety of the attendees? What did you base that on? Do you have any training or experience in being able to assess incidences such as that?

A. I do, yes.

Q. Can you tell the Court, please, based on your background, what would that be?

A. From 1984 to 2003, I served as a police chaplain with the City of Virginia Beach, logged over -- well over 10,000 hours of service with the city police department during that time.

One of the main duties of a chaplain at that time was to assist with patrol during the summer months at the Virginia Beach resort area, which was particularly an area called The Block, which was often crowded, a number of bars on that street, and so we were trained to read crowds and

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to intervene when necessary. And we would also form a protective shield around police officers when they were conducting arrests and hold the crowd back at bay, while arrests were being conducted.

Q. What did you obtain in your training to be identifiers to suggest to you that risk is being challenged, that you then saw during this board hearing?

A. So we were trained to evaluate voice tone. We were trained to evaluate body language, stances, posturing, body position. All of these things were -- we were told to be on the lookout for the crowd and to de-escalate when possible but to bring in police intervention whenever needed.

Q. Okay. And you said as far as to de-escalate. What forms of de-escalation were you trained that you can employ when the situation is starting to get, in my words, hot?

A. We would try separating individuals. We would try personal interaction. As a chaplain, of course, we're there not in an enforcement role,

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but we're there to help with community relations, so often time, we would talk with individuals and try to de-escalate, try to get them to commit to a different course of action.

Q. Okay. From the consummate from the dais, what efforts were made by the chair of the school board to -- in essence to try to intervene or interact with the public to de-escalate the situation?

A. So in addition to the recess that was taken in order to, I believe, give the -- those attending time to return to a calmer state, she also gave several admonitions to maintain the decorum of the boardroom. She reminded those in attendance several times that it was the board's desire to hear all of the speakers and that, if decorum was not made -- was not maintained, that they would be unable to do that.

And then after a few warnings, when the crowd became loud, she said this is the final warning. I believe she said again that she wanted to hear all of the attendees, and then moved on.

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Q. Okay. I'm going to go back a little bit to before the hearing took place in and of itself.

Did you have the opportunity to observe outside the school entrance, like the parking lot areas?

A. I did not, not directly, no.

Q. Okay. When you say not directly, did you become aware that there were individuals who had gathered outside the school board meeting?

A. Yes, there were. There were several groups that had gathered. We had designated a public assembly area for that night and there was several groups that had assembled in that public assembly area.

Q. All right. And that was done by the choice of the school board?

A. Yes.

Q. At any point in time prior to the meeting or while the meeting was going on, before it was terminated, was that space still made available to anyone wanting to assemble publicly and make comment there?

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A. Outside? Yes, ma'am.
Q. Yes. Okay. Now I'm going to bring you back inside. You indicated once the chair made the final warning and indicated that she wished to hear from all the protestors; however, they needed to conform with the expectations of the decorum of the board.
What then happened?
A. Many speakers continued. We had 256, I believe, speakers signed up for that night. And after the recess, which lasted about ten minutes, the board returned and public comment continued. The board chair issued that final warning and, for many speakers, those in attendance complied with the board chair's wishes to maintain decorum.
As counsel pointed out that the expectation in the boardroom is to use jazz hands. There were many people expressing support for individuals by using jazz hands. There was individuals holding up signs, but for a period of time for a number of speakers, the boardroom seemed to have settled down.

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Q. Okay. You indicated at some point that the behavior expectations are in writing and on notice to the general public. You mentioned that it was on the public notice as far as the hearing.
A. Mm-hmm.
Q. Right? Is it also in any other policy or any other written mandates from the board?
A. It is. It appears on the agendas. The board chair reads it, reads the expectation before the beginning of every public comment period, and it's also in board policy.
Q. Okay. You indicated for the most part, soon after the last warning, things calmed down a bit.
Did things change after a while?
A. They did.
Q. And I'm going to ask you a question if I may. Where were you as you observed these changes?
A. I was sitting at dais.
Q. Okay. So you were actually physically in the room.

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A. Yes.
Q. Can you tell the Court by using your senses, not just what you saw but also maybe the motions and things of that nature that you saw changing within the boardroom that caused you to be concerned for safety.
A. Yes. So when -- right before the board recessed for the second time, a speaker, Mr. Black, came up to the podium. It appeared to me as if many in the room were waiting for Mr. Black's speech. I have no way to confirm that, of course, but it appeared to me that they were waiting.
As Mr. Black's time expired, the board chair muted his microphone. He did not immediately relinquish the podium. He began yelling and at that time, the crowd stood up and began cheering, began moving about the room. I saw hands and arms in the air. Of course, I was concerned because with that kind of movement, even a jubilant movement with that many people in the room, it does become a safety concern.

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Q. Okay. And in particular, you said even if it's a jubilant movement.
Would it be fair to say that there were individuals attending that meeting from a side in support of the comments that Mr. Black was making as there may be those in -- that were contrary to his position?
A. There was, yes.
Q. All right. Did you see any interaction between such individuals that you made that perception that caused you to be concerned about the safety?
A. Yes. Very early on, both groups were vocal. When a speaker would speak to a position of which they were in favor, oftentimes, especially early in the meeting, we would hear shouting, and we would see the finger being raised. We could hear cursing and chastisement, I guess, we would describe it as.
In particular, there was a comment made by a speaker on one side that mentioned something about religion. Those in the crowd did not appear to

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like that comment and became very vocal and -- in their opposition to that comment. At that point, I believe one gentleman who was sitting on the side of the room that I was on was raising his finger often and shouting, and he was asked to leave by staff. He did comply and left the boardroom because of the disruption he was causing there.

There was also, I mean, just telling people -- when one young man spoke about his personal experience, I heard the crowd tell him, we don't want you here anyway. The young man was talking about a suicide attempt or suicidal ideation, and I heard members of the crowd tell him that he wasn't wanted there. So the comments from the crowd caused me to believe that individuals may not have been in the majority that night felt unsafe.

Q. Did you have any concerns regarding the safety of any of the board members based on the responses and reaction of the attendees?

A. I did. There was several people in the

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crowd that were voicing their opinions and their actions directly toward the board members. I recall one gentleman that was sitting in the front row that, when somebody would speak and he -- I guess he agreed with their position -- he would stand up and try to take a stance -- what we would call a posturing stance, I guess, directly facing the board members and he would just stare at the individual board members for several seconds.

Q. Okay. And why did that cause you to be concerned?

A. It's an unusual thing to do, right? So the way he would jump up, kind of lean in toward the board, and just hold their gaze until they turned around or until the speaker started, I felt he was doing that in an attempt to intimidate the board.

Q. Okay. With the repeated warnings made by the chair from the dais, did there come a point in time where it appeared to you that the meeting should -- the public comment meeting should -- I'm sorry -- public comment portion of the meeting

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should be terminated?

A. Yes.

Q. Okay. And when was that?

A. That was immediately following Mr. Black's comments to the board.

Q. Okay. Now if I could ask you to bring us into that moment. I know you spoke a little bit about how some people maybe felt -- it appeared like they were waiting for him to have spoken and there was a response to that.

From where you were situated in that meeting, and if you were to look across the attendees, tell the Court, please, what did you see that caused you to now be concerned at a heightened level.

A. Just it appeared -- since it appeared to me that they were waiting for that moment, at that point, it just seemed like they were not going to come back under the decorum of the boardroom. So they began shouting. I did notice members of the gallery who did not agree with Mr. Black's position.

When the crowd jumped up, several gallery

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members left. I saw several parents with children take their children out of the boardroom, so it just seemed like those who felt unsafe were trying to rush out and those who interested in disrupting the meeting just seemed to escalate and stay there.

Q. You also indicated that now there was also some movement within the boardroom. Is that consistent or inconsistent with prior behaviors within a board hearing?

A. Very inconsistent.

Q. Okay.

A. And this was -- 30 years in education, this was the first board meeting I've seen with this level of disruption.

Q. All right. And when you're having that mobility also take place, what does that do to your sense of assessment as far as safety within the boardroom?

A. So it's heightened for me because I have -- as in charge of operations of the school division, it worries me for the safety of those in

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attendance, right, because we have to be have to be able to evacuate the room. We have to be able to deal with emergencies. We have to keep the aisles clear.

These are all things that are expected in a public venue, no matter if you go to a football game or you come to a board meeting, these kind of things are safety-related no matter where you go, whatever kind of meeting you're attending.

Q. Okay.

A. And so I was -- I became exceedingly concerned that attention would be directed to either speakers who had previously spoken or people who were holding signs that were not in the majority opinion of the room. I became concerned for their safety, that if decorum is not resumed, that attention may turn to those individuals.

Q. All right. What, if any, action did you take relative to that assessment?

A. I'm sorry?

Q. What action, if any, did you take relative to that assessment, when you started

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noticing that things -- as you said, you became exceedingly concerned?

A. So at that time -- at the same time shortly after Mr. Black finished his comments and the boardroom erupted, the vice chairman motioned to move the agenda and suspend or end the public comment. The chair called for a vote, and that vote passed unanimously, nine to zero, to move the agenda.

Q. Okay. Then what happened?

A. Then the crowd directed their attention to the board. They began -- there was some booing and jeering. There was shouting of things like you suck and F you, things like that. There was a lot of pointing and gesturing toward the board, middle fingers raised.

And then probably within 15 seconds of the motion being passed, the board evacuated the room and security, both school security officers and members of the Loudoun County Sheriff's office came to the front of the room, along with other administrative staff of the school division.

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Q. Okay. From the dais, was there any statement made that since the public comment had been terminated, that people needed to leave?

A. There was after some time. The board evacuated to the back room. Initially, I left the room with the board members, and then probably after about five or ten minutes, I returned to the boardroom.

Q. All right. And upon your return, what did you then see regarding the attendees within the room?

A. I saw that they were kind of clustered around the center of the room. Well, there were many clustered around the center of the room, the center, front of the room. There was others kind of milling about. There was people standing on chairs. Chairs had been moved and were in a disarray. People were still shouting at one another.

There was a lot of press there, so some people were shouting toward the press. Some people were just shouting -- just in general, back

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toward the school board. Somebody had brought in a voice amplification device at some point, and there was individuals, I guess, trying to organize their own version of public comment.

Q. Okay. What does this observation do to you as far as your assessment regarding the safety of the attendees?

A. So at that point, it became clear to me that we were not going to be able to restore order in the room, that these individuals were going to continue standing on chairs, that they were going to voice opposition to things that were on the agenda that night, but also that it wasn't going to be safe in the room for those who disagreed with their opinion. Basically, individuals had taken over the boardroom and it was very reminiscent to me of January 6th.

Q. Okay. As you're observing this, what do you then do?

A. So I conferred with Loudoun County Sheriff's office. Major McDonald was the senior officer on the scene. We talked about whether the

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room needed to be cleared. He agreed that it needed to be cleared but asked for him to be able to get additional law enforcement elements on site, so we waited approximately 20 minutes and then I, from the dais, after conferring with Major McDonald made an announcement to clear the boardroom.

Q. Okay. So now let's talk about that 20 minutes while you were waiting.

Did things start to calm down?

A. Not at all, no.

Q. Okay. How would you describe that 20-minute block as to what impact it made to your decision to ultimately announce that the boardroom was going to be closed?

A. So it appeared chaotic to me. People were standing on chairs. The voice amplification device made it impossible for us to communicate with those who were still in attendance. People were still trying to get out. Others were trying to come in. Chairs were disarrayed all across the boardroom, so to me, it was just chaotic. That's

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really the best word to describe it.

Q. Okay. At the point that you choose to make an announcement, what announcement do you make?

A. I said that it was -- I declared that it was unlawful assembly and I warned those in attendance that if they refused to vacate the room, they may be arrested for trespassing.

Q. Okay. So now let's talk about your terminology of unlawful assembly.

Was that a legal determination you were making?

A. It was not.

Q. Okay. And the point that you wanted to communicate to the attendees was what relative to that statement?

A. The point that I was trying to get across was it was time to leave the boardroom and that if you refuse to leave the boardroom, you may be subject to charges of trespassing.

Q. Okay. How did you communicate that because you indicated that the room was pretty

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loud and it was hard to hear. How did you communicate that so that it could be heard by those in attendance?

A. I used a dais microphone.

Q. Okay. And in response or after you made that statement, what, if any, action did you see being taken by the attendees?

A. A few, very few, moved toward the exits. The sheriff's office came in from a rear door in the auditorium to the left and they began taking individuals -- asking individuals who were on the periphery of the main group to leave the boardroom. Some complied. Some directly argued with the deputies who were in attendance.

Q. Did you hear additional requests made for people to leave?

A. Yes. I made the request at least four times.

Q. Okay. On that particular evening on June 22nd of 2021, did you have the occasion to see Mr. Jon Tigges?

A. I did.

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Q. All right. Do you see him the courtroom today?

A. I do.

Q. Can you please --

MR. KACHOUROFF: I stipulate this is Jon Tigges.

MS. BIBERAJ: Thank you.

Q. Can you please identify him for His Honor? Are you able to identify him with an item of clothing or some identification, please?

MR. KACHOUROFF: I just stipulated, Judge, this is Jon Tigges.

MS. BIBERAJ: And I would appreciate if they allowed me to try my case but thank you.

MR. KACHOUROFF: (Indiscernible).

Q. Can you do that, please?

A. The gentleman sitting in the middle of the defense table.

THE COURT: All right. That's noted. He's pointing to the Defendant at counsel table. Counsel for the Defendant has also stipulated that that's who it is.

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Q. On that particular day, as he's dressed here today, he wasn't dressed the same way that day, was he?

A. I believe he had on jeans and a t-shirt but I don't recall.

Q. Okay. And can you tell the Court, please, what observations did you make of his behavior on June 22nd?

A. I recall Mr. Tigges was sit in the -- seated in the front row, kind of toward the center of the room. Mr. Tigges was a participant in the meeting. His behavior was not notable until after the order to leave the room and the trespass order was granted -- or the trespass warning was granted.

Q. How did his behavior change that he then became of note to you?

A. He became very agitated. He was one of the -- I don't know if he brought in the voice amplification device, but he was one of the individuals that seemed to have control of the voice amplification device to me.

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He was very loudly stating that he had a right to be there, that he was -- that those assembled had a right to address the board and to say what they had to say, and that he wasn't going to leave until he had his chance to say what he needed to say, or something along that line.

Q. At any point in time, did you have direct contact with him?

A. I did not.

Q. So you're seeing this from a distance.

A. I did, yes.

Q. What, then, do you see of Mr. Tigges?

A. So as the room was cleared and the crowd became less and less, those remaining were centered around Mr. Tigges -- I'm sorry -- Tigges -- I'll try to pronounce it correctly -- around Mr. Tigges.

And as the deputies began to concentrate their effort on that center group that had the most individuals remaining, Mr. Tigges began to directly challenge the deputies who were approaching him. The only interaction that we would have had and it was indirect is at one point, I recall Mr. Tigges saying something to deputies, are you going to side with the people are going to side with that thing, and he pointed at me at the dais with kind of an aggressive gesture.

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Q. Okay. Then what is the next thing you saw or heard?

A. There was probably four deputies that were around Mr. Tigges. The deputies took control of the voice amplification device. Mr. Tigges was blocking deputies from coming into his space. At one point, I observed a police deputy sergeant ask Mr. Tigges if he was going to leave the premises. Mr. Tigges loudly said he was not going to leave, and the sergeant ordered the deputies to place Mr. Tigges under arrest.

Q. Okay. At any point of time thereafter, did you see Mr. Tigges?

A. I did not.

Q. Once he was -- prior to his being removed, was there any other incident that

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occurred in the boardroom that was a -- of concern regarding safety to you?

A. There was two. There was a scuffle, a fight, that broke out that I did not observe but my security personnel brought that word of that fight back to me that an individual had been arrested.

MR. KACHOUROFF: Your Honor, I would object. This is hearsay.

THE COURT: I think he can testify that he received notice of that, but the particulars would not be admitted into evidence.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Okay.

A. It was also brought to my attention that during the chaotic time of the -- when the board was in recess, that a woman was attempting to exit and became hurt on her attempt to exit, and that she required medical care which was delivered by EMS.

Q. Okay. Now while you were in the room, did you see another incident where law enforcement

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had to arrest somebody for their refusal to leave?
A. I did not.
Q. Okay. Dr. Ziegler, I have no further questions at this moment, if you wouldn't mind answering any questions that Counsel may have. Thank you.
A. Sure.
THE COURT: Cross-examination?
MR. KACHOUROFF: Thank you, Your Honor.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Good morning, Dr. Ziegler.
A. Good morning.
Q. So this reminded you of January the 6th?
A. It did, yes.
Q. Were there people that were burning chairs inside the room?
A. No, but there were people who were moving chairs, aggressively, yeah.
Q. Okay. So you didn't see anybody -- like they were in Portland, burning chairs inside of a boardroom.

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A. In Portland?
Q. Portland, Oregon.
A. Yes, I'm aware of where Portland is. I'm not sure what that has to do with January 6th, but, no, I didn't see anybody burning chairs.
Q. Where the -- what you observed, you described great chaos.
A. Yes.
Q. It was a great chaos like the Antifa riots we've all seen on TV, where they burned down buildings. They barricaded courthouses, or was this a crowd that was showing applause to the speakers they supported?
A. They were showing applause to the speakers they supported, but they were also showing aggression and animosity towards speakers that they did not support.
Q. On that note, you mentioned about somebody had mentioned something about Christians and that the crowd booed her.
Would you agree, sir, that the woman said that all these fake Christians who don't believe in Jesus, such hatred-filled in the room, was that woman talking about the policy or was she directing that towards the crowd?
A. She was likely directing that toward the crowd.
Q. And did the chair do anything to stop her?
A. The chair -- I don't know if she addressed that individual directly. She called a recess during that individual's comments.
Q. And after the recess was over, did she not say, Kelly, referring to the individual, you can resume your speech and added 40 seconds to her time?
A. She did.
Q. And did that person not then repeat, as I was saying before, she said -- did she not repeat that her comment that that room was filled with hate?
A. I believe she did but I didn't review her comments (indiscernible).
Q. And she was only the third speaker,

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wasn't she?
A. She was toward the beginning. I wasn't counting but toward the beginning.
Q. And so at that point, the crowd -- when the second time that she spoke, the crowd quieted down. Is that fair to say?
A. I honestly don't recall.
Q. Because the crowd wanted to -- there were people, members of the public, wanted to speak and they didn't want the dais to shut everything down. Is that correct?
A. That's correct, yes.
Q. Now, you talked about proper decorum. There's nowhere in school board policy that says you have to use these jazz hands thingamajiggers. I mean, you can just go ahead and clap. There's nothing in the board policy that says that you can't clap.
A. No, there's not.
Q. And so, yet, the dais decided that it didn't like the clapping. Is that right?
A. I wouldn't know what the dais

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particularly was objecting to. They were objecting, I guess, to the noise level. The clapping, and the shouting, I think would be included in that, not just the clapping.

Q. And you mentioned you saw people standing and it had you concerned.

Did the board not say to use your hands, stand up and show signs to show you -- and not clap? Isn't that something they admonished the crowd?

A. I don't know if they -- if she said stand up. She definitely said use your jazz hands is what it's referred to in the boardroom.

Q. In fact, she said, use signs. Hold your signs up.

A. Mm-hmm.

Q. And you don't recall her saying stand.

A. I don't, no.

Q. So the best evidence of that would probably be the video that we have of the entire incident. Is that correct?

MS. BIBERAJ: Objection, Your Honor.

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That would be for the Court to determine, what best evidence is here.

THE COURT: That's sustained.

Q. Yeah. You would agree that a video of the event would be -- it could show the entire event accurately and truthfully. You agree that that video would be the best depiction of what happened at that -- on that night.

A. Yes.

Q. And you said that you were a police chaplain --

A. Yes.

Q. -- in Virginia Beach for 20 years.

A. For eight.

Q. Eight years.

A. Yes, '94 to 2003.

Q. Oh, '94. I thought you said '84 to 2003. Okay.

A. I'm not quite that old, Counsel.

Q. So were you sworn law enforcement?

A. No.

Q. And what -- was that your main job?

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That was what you were supposed to do?

A. No, that was a volunteer position.

Q. A volunteer position. And so as a volunteer, they had you out in crowd control?

A. They did. From '94 to 2008, we received full weapons training and full defensive tactics training. Until '96 or '97, we carried weapons.

Q. And so you said -- so you were -- you'd gone to the police academy?

A. No, we had a designated academy for chaplains.

Q. Okay. You were analogizing the crowd that was there that night to the crowds that come from bars where people had been drinking on the strip in Virginia Beach.

A. Yes.

Q. And so as far as you know, there was no liquor being served at this meeting.

A. There was not.

Q. You say you were trained to read crowds.

A. Yes.

Q. What kind of training do you have to

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read crowds?

A. Again, I would point to my police chaplain training that goes back to the early 90s. So you're trained to look at a crowd and to try and ascertain what's going to happen next, to try to predict what's going to happen next.

Q. So do they tell you that when you see a an individual furrowing his brow at you, that that's a danger sign?

A. That would be considered a sign of -- or could be considered a sign of aggression. You would certainly pay additional attention to somebody whose body language was posturing towards you.

Q. And you needed to be taught that to know what that meant?

A. I mean, no, I would know it instinctually but you asked specifically what my training was.

Q. As part of your training, you talked about de-escalation, that you try to talk to individuals to try to de-escalate. Fair enough?

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A. Fair enough, yes.
Q. At no time did you ever announce from the dais or by the microphone which you had control of, your voice amplification device on the board -- at no time did you ever tell the crowd to -- listen, I'm going to declare an unlawful assembly. I'm going to warn you for trespass if you don't settle down.
A. The warning was the trespass notice, yes.
Q. So you did not at any time tell them to settle down or you were going to have to clear the room for trespassing.
A. No, the chair was -- had done that several times.
Q. I'm not asking about the chair. I'm asking about you.
A. No, I did not. I said no. Yeah. No, I did not.
Q. So you did not use your training to de-escalate that situation?
A. I did not try to de-escalate that

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situation, no.
Q. You claimed that there was a public assembly area outside, a public comment area.
A. A public assembly area, not a public comment area.
Q. So what was the public supposed to do outside?
A. That was a place for them to gather --
Q. To do what?
A. -- designated for protests, designated to gather, I mean.
Q. And you didn't announce that from the dais microphone, that there was a public comment outside that they could -- or a public area where they could assemble outside, did you?
A. No.
Q. That wasn't something the board had planned in advance and had noticed for the meeting, had it?
A. We designate -- whenever we anticipate a large crowd, we designate an area of the parking lot as the public assembly area.

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Q. You were talking about the school board policy for decorum, right?
A. Yes.
Q. And decorum is contained in School Board Policy 2050, is it not?
A. That's correct.
Q. And 2050 doesn't mention anything about applause.
A. It does not.
Q. You said you were concerned for the safety of the board.
A. Yes.
Q. And you were concerned about voicing opinions towards the board meeting -- the board members, rather.
A. That's correct.
Q. You understand that this is a political meeting, right?
A. Yes.
Q. And that the crowd that is there are constituents of the board.
A. Yes.

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Q. The board is elected.
A. Yes.
Q. These are elected officials.
A. Yes.
Q. You claim that immediately following Mr. Black's discussion, that the board erupted.
It erupted with applause or it didn't erupt with violence, did it?
A. Applause, and cheering, and as I said, standing up.
Q. And at some point, the applause and cheering ends, correct?
A. Yes.
Q. And the board then at that point decides that it's going to now terminate public comment.
A. That's correct.
Q. At that -- when they terminated public comment, it was audible for the room to hear.
A. Yes.
Q. Because nobody was applauding or clapping at that point.
A. Not at that point, no.

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Q. They were listening to what the board had to say.
A. Yes.
Q. So you left the room with the board members. For about five minutes, you were with the board members.
A. Yes.
Q. Did they tell you to declare an unlawful assembly?
A. They did not.
Q. What did they tell you?
A. They didn't tell me anything. They asked what was going on out in the room and they were conversing amongst themselves.
Q. And what did you tell them about what was going on in the room?
A. I told them that it seemed to be out of control, that people were -- as I described earlier.
Q. There was nobody jumping all over the dais, and when I say the dais, that's the bench where all the board members were, right?

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A. That's correct.
Q. There was no member of the public sitting in the chair, spitting on their chairs.
A. No.
Q. So you gave -- you conferred with the Loudoun County Sheriff's office and you told them that the room needed to be cleared.
A. No. I asked them, do we need to clear the room? We had a conversation and I didn't say the room needed to be cleared. I'm not in a position to direct the actions of the sheriff's office.
Q. So you --
A. We had a conversation.
Q. Let me understand this. You declare an unlawful assembly and you don't tell the sheriff's office to clear the room.
A. I conferred with members of the sheriff's office before I made that announcement.
Q. Did you order them to clear the room?
A. Order who?
Q. The sheriff's office.

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A. I did not.
Q. Did you ask them to clear the room?
A. In cooperation, the sheriff's office and I had a conversation with the ranking member of the department that was there and we had a conversation, is it time to clear the room? We agreed it was time to clear the room, and Major McDonald gave me the go-ahead to make the announcement.
Q. So the sheriff's office was directing you to make the announcement?
A. Again, we made it cooperatively after assessing the situation.
Q. So you said go ahead and clear the room?
A. I'm sorry?
Q. You said to go ahead and clear the room?
A. No. Major McDonald said go ahead and make the announcement.
Q. You're a superintendent of a public school system, are you not?
A. I am.
Q. And as the interim superintendent of the

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public school system, you've got school resource officers, police officers that are on campus, do you not?
A. There are resource officers on campus, but they're members of the Loudoun County Sheriff's office.
Q. Right. And so they are there to restore order when they see crimes occurring.
A. That's correct.
Q. And you believe that there was trespass going on in this room when you decided to clear it. You decided they -- people didn't have a right to be there anymore.
A. That's correct.
Q. The board didn't do that. You did.
A. That's correct.
Q. You said that the unlawful assembly was not a legal determination.
A. That's correct.
Q. Did you do that when you talked to the Commonwealth's attorney? Did you talk about that issue?

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A. No. Upon reflection, we did an after action debrief with my staff and we agreed that, after reviewing the code that counsel cited at the beginning of the trial, that my words were incorrect. They were given in the heat of the moment in a desire to clear the room and keep the public safe.

Q. And you said that there was a bunch of people in there.

They were also giving their own form of public comment, right?

A. Some of them were, yes.

Q. With a voice amplification device, correct?

A. Correct.

Q. And the reason they were using their own voice amplification device -- we'll call it a microphone -- is that y'all had shut off the microphones at the podiums.

A. We did.

Q. And you at that time didn't want to hear any more public comment.

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A. I'm not in charge of public comment, sir.

Q. But you're in charge of apparently the board meeting, right, whether it continues or whether it's open to the public?

A. I'm in charge with the operations of the school building administration and with the school administration building, yes.

Q. That's a school boardroom.

A. Yes, it is.

Q. You don't have authority to clear out the school board, do you?

A. I believe I do, yes.

Q. So you --

A. Oh, I'm sorry, the school board or the school boardroom? No, I don't have the authority to direct the school board.

Q. Because in a school board meeting, they're in charge, aren't they?

A. That's correct.

Q. I'm going -- and finally, let's just talk about -- you said a majority of the crowd

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left when you gave the announcement.

A. I don't believe I said a majority. I believe I said some members of the crowd left.

Q. Well, out of 669 people that tabbed into that room, that was -- I think that was your number that you gave.

A. Yes.

Q. Tell me, about how many of the people remained?

A. After the order was given, I would say above 300 initially.

Q. So a significant portion left the room initially.

A. Yes.

Q. And then after that initial portion, how many more people left the room?

A. They trickled out gradually as the sheriff's department made rounds around the room and asked people to leave.

Q. And so people were compliant.

A. Some were compliant and some were argumentative.

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Q. You said you have 30 years in education. What is your 30 years in education, doing what?

A. I spent 17 years as a classroom teacher, several years as a school-based administrator, several years as an investigator for the department of human resources, and then a chief human resources officer in two divisions, and now I'm superintendent.

Q. Does the school board have an entire complete copy of the video unredacted?

A. They have an entire and complete copy of the video while the session was in session. There was no recording during the recess.

Q. And why would -- why did not -- they did not record -- why didn't they record during the recess?

A. It's normal process to go to a blank screen when the board is in recess. That happens at every meeting.

Q. So the recorder doesn't continue?

A. No.

Q. Somebody has to physically flip the

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switch to stop it from recording.
A. Yes. When the board goes into recess, the board clerk hits a button that stops the recording and puts up a screensaver type thing that says -- I mean, it's a preprinted message. It says the board is in recess and the meeting will resume shortly.
Q. If Mr. Tigges had a right to be there and to speak, you understand why he was agitated, correct?
MS. BIBERAJ: Objection, Your Honor. Calls for speculation as to why he was agitated.
MR. KACHOUROFF: He's the one who raised that. I mean, she opened the door when she asked the question. He mentioned he was agitated.
MS. BIBERAJ: No, he was asking whether or not he knows why Mr. Tigges was agitated. That calls for speculation.
MR. KACHOUROFF: I didn't ask him why. I said -- I gave him a reason why. If Mr. Tigges had a First Amendment right to speak -- you don't need to be looking at her. Look at me. If he had

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a right to speak --
THE COURT: He can look at her if he wants to. The instructions don't come from you.
MR. KACHOUROFF: Your Honor, I don't have a problem with what you're saying. I just don't want him getting cues from the attorney about how to answer a question. That's why I said that.
MS. BIBERAJ: If that allegation, Judge, is going to be made, I think counsel should have facts as to what cues I am giving. My objection will go back to the what the issue is before Your Honor.
The objection is that he asked the witness, Dr. Ziegler as to whether or not Mr. Tigges had a right to be agitated. That calls for speculation. He can't speak to the mind or mindset of Mr. Tigges. That's my objection.
THE COURT: I think the question is argumentative, and I'm going to sustain the objection.
MR. KACHOUROFF: As to argumentative.

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THE COURT: Yeah. You asked him about the -- being agitated and essentially asked him why he was agitated.
Q. A person who has a right to speak would be agitated if they were told to leave. Fair enough?
MS. BIBERAJ: Objection. Yet, again, Judge, it asks for speculation. Somebody may have the right to speak and say, okay, fine, not -- today is not the time and then respectfully walk out. He can't speak to what anybody's perception or their response --
THE COURT: (Inaudible) she's right about that. You can argue --
MR. KACHOUROFF: Yeah. And, Judge, it's --
THE COURT: -- someone who's -- thinks they have a right to be there may be agitated they're asked to leave, but I don't know that he can answer for everybody who was there, whether they were agitated or not, including Mr. Tigges.
MR. KACHOUROFF: And I apologize for

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this, Judge, but, again, I didn't open this door. This was -- all of her questioning was about agitation. He mentioned it numerous times, so I think it's fair game on cross. If he -- the Court doesn't, I respect that.
THE COURT: Okay. Well, you've got my ruling. My ruling is --
MR. KACHOUROFF: Thank you, Your Honor.
THE COURT: -- that it's sustained. The objection is sustained.
MR. KACHOUROFF: I have nothing further.
THE COURT: Thank you. Redirect?
MS. BIBERAJ: I have no redirect of this witness. Thank you, Doctor.
THE COURT: All right. You may step down. Is this witness being deferred or do you want the witness to wait out in the hall?
MS. BIBERAJ: Judge, I believe there is rule on witnesses, so, yes, please.
THE COURT: All right. You need to go outside. Do not discuss this case outside of the courtroom. Do not discuss this case while you're

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waiting. You may be recalled as a witness.
THE WITNESS: Yes, sir.
THE COURT: Thank you. Next witness for the Commonwealth?
MS. BIBERAJ: We would ask for Major McDonald.
THE COURT: Major McDonald?
THE COURT OFFICER: Yes, sir.
MS. BIBERAJ: Thank you.
THE COURT: Major McDonald, come forward to the witness stand. You were sworn earlier with the other witnesses. You've been called as a witness for the Commonwealth who will question you first, and then the attorney for the Defendant may also question you. Thank you.
THE WITNESS: Thank you, Your Honor.
Whereupon,
EASTON L. MCDONALD,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
EXAMINATION BY COUNSEL FOR THE PLAINTIFF

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BY MS. BIBERAJ:
Q. Good morning.
A. Good morning.
Q. Major McDonald, can you please introduce yourself to His Honor?
A. I am Major McDonald, Easton McDonald, with the sheriff's office for 20 years.
Q. I'm going to ask you some questions relative to the June 22, 2021, incident at Loudoun County Public Schools. Before I get there, I just want to ask you some background questions, please.
A. Sure.
Q. Can you let the Judge know how long have you been in law enforcement?
A. I've been in law enforcement 24 years, the last 20 with Loudoun County. I oversee the school resource officers and the traffic section. I've trained at the academy, community policing. I have worked patrol, midnights, just about every section in the agency. And before that, I worked corrections.
Q. Okay. Within each of those

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responsibilities and I'm going to name three specifically, corrections --
A. Yeah.
Q. -- and that's over at the jail, right?
A. That is correct. I didn't work for Loudoun. I worked for Arlington County Sheriff's office.
Q. Okay. And then as far as when you were talking about, like, street patrol, and then with the school resource officers. Do each of those have additional training regarding crowd control and assessment for safety in the community?
A. Yes.
Q. Okay. Can you tell the Court, please, and if you want to specify in each of those responsibilities where you may have learned this, you're welcome to, otherwise, I'm asking a global question. In assessing crowd control or safety within the community, what are some of the things that you look for?
A. So if you're looking as far as crowd control is concerned, you want to be able to

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communicate with the individuals that are there, why a person is there, access to doors, emergency access, medical emergencies, if I need to clear a room quickly, which is there enough exits for them to get in and out, things of that nature, how many children are in the room, different things like that. If it's in regards to the community, it can deal with all kinds of things from assessments of security to homes, shrubs, bushes, lighting, etcetera.
Q. Okay. And that's on a physical assessment, right?
A. Yeah.
Q. When you add the human component, what do you then look for to see how that might change or impact your decision as to whether this is a safety concern?
A. Safety issues, body language. People with balled fists, not following rules, maybe if everyone is sitting down and someone is standing, maybe if someone is moving closer to a particular person, just the -- not willing to listen to you

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or not hearing a conversation, voice, tone, things of that nature.

Q. Okay. Now we're going to go to the June 22nd incident. You were -- were you there -- I'm sorry.

What time of day were you at -- over by the Loudoun County Public School building?

A. I probably got there as early as -- if it started before -- I want to say it might have start -- well, I don't remember the time exactly that the meeting started, but I was there probably about two hours before the meeting started.

Q. Okay. And when you were there before, did you come in through the general parking lot?

A. Through the which parking lot?

Q. General parking lot.

A. Oh, yeah, yeah.

Q. The public parking.

A. I parked in the rear of the building, came through the general parking lot, and then parked in the rear of the building.

Q. Okay. As you're walking into the

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building, did you see any assembling of individuals out in the parking lot?

A. Yeah. There were people assembled outside.

Q. Can you tell the Court, please, at your initial observations about two hours before the meeting, about what the crowds looked like in number?

A. So out of all the school board meetings, generally, there isn't a crowd. There isn't anybody outside generally for school board meetings, but there had been crowds building over School Policy 8040 and there was a lot of talk about -- I think it was critical race theory protestors and they was also protesting Loudoun County Public Schools' removal of a teacher and some other stuff that were taking place outside. And then there were components pro and then there were components against on both sides. Some had tents. They had banners outside of that building on that particular day, so we had expected a large number.

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Q. Okay. And with that expectation, was there any action taken on the part of the Loudoun County Sheriff's office to add any members of their law enforcement team to attend the meeting or to be on the premises?

A. Yeah. We made -- safety was the -- was a paramount issue, so we had individuals that would be in and around the crowd, and we had individuals that would be in the boardroom, but the school board has a meeting monthly and we always have deputies at the meetings. Up until that point, we had always had sworn deputies present in the room.

Q. Okay.

A. That was nothing new.

Q. Now, again, (indiscernible) as you were walking through the parking lot and you're coming in, do you see a number of people out gathered, what was the tenor of what you saw? Were you concerned at that point as to what the crowd engagement was?

A. I mean, we knew it was -- it was an

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excited -- it was like going to a big game, right, a big rivalry or -- you know it's going to be a good game or you know the crowd's excited. It was that type. People were passionate about what they were there for, pro or against, whatever the issue was. And some of them were debating and making their chants or doing their things --

Q. Okay.

A. -- to make their point.

Q. You then enter into the building?

A. Yes.

Q. At some point, the school board meeting starts.

Okay. Can you -- and were you inside the board meeting?

A. Yes.

Q. Can you tell her -- His Honor, please, what your observations were?

A. It was -- so normally at a school board meeting, you may have seven, ten, fifteen people. The room was set up for 633, and you couldn't see the chairs or if there were people -- some people

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were standing in there. That's how many people were in there.

The board meeting started. Very quickly, somebody made a comment. It was -- I don't remember the exact comment, but it was something like dripping Jesus-something comment was made by somebody. I can't remember the full statement and the crowd responded. All the people in there responded. The board -- there was a couple of outbreaks.

It was like an outbreak of the public, and then the board would have recess. Well, I don't remember exactly how many they had, but they were going to take a five-minute recess, at which point in time, they would leave the daises, go back inside, wait for everyone to settle down, and then come back out.

Q. So when they would take the recesses, did you hear them make any announcements as to why they were taking a recess?

A. Yeah. The chair would say the board would take -- be taking a recess. I don't think

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she gave a time. I think she just said a recess, and then they would go back inside. They would go into -- off the daises into a room that was on the side, and then at their liberty, they would come back.

Q. Okay. While the chair and the board members were on the daises, at any point in time, did you hear the chair caution the crowd as to the amount of noise or interruptions that were being made?

A. Yeah, she gave numerous warnings.

Q. Okay. Did you see what behaviors preceded her giving those warnings that caused you to link the two?

A. So different people would make statements, whether it was -- because they were -- it was public comment for whatever you wanted to talk about, so some people -- whatever the comment is made, the support would be loud. It would be claps. And I'm not saying loud, but you're supposed to do this silent clapping is what they're supposed to do, but that wasn't the case

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all the time. People would clap and, you know, and she would give a warning for those outbursts.

Q. Okay. And did she communicate that that was disruptive to the public comment or people being able to hear?

A. She made the statement as if the -- she made the statement about if it continued, that -- that if it continued, that she would end the meeting or the meeting would adjourn, and she like gave them a general warning.

Q. Okay. As time passed during this meeting, did you see any changes in the crowd as far as in the matters that would indicate to you that safety was becoming a concern?

A. Before the meeting was cancelled?

Q. Right. Before she ended public comment, like --

A. Oh.

Q. -- during the times that they were taking their recesses and things of that nature.

A. No, not at that time. It was just normal -- someone would speak. Someone would get

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excited and clap, but nothing that I felt was like a safety issue at that point in time.

Q. Okay. Did there come a point in time where safety did become a concern?

A. Yes.

Q. When was that, please?

A. So at one point, I believe it was -- I'm not sure and I don't want to mess his title up, but I think it was Senator Black. He spoke and at the end of his speech, the -- the audience passionately -- it was a passionate speech. They stood up. They were clapping. They were supporting what he was saying, and it was probably the most applause for anybody that night.

And at that point in time, the -- while that applause was going on, the board asked -- I distinctly remember. I think it was Reeza was asked to make a motion to end the public comment. It was seconded. They asked for a discussion. There was no discussion, and then they took a nine-zero vote to end the public comment, at which point in time, they vacated the daises.

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And I don't think the public really picked up what was going on until they kind of got up and walked away and left, at which point in time, people started yelling no, or screaming, and this, that, and the other, but we still -- that was when the alarm kind of went up that, like, the body and the language in this room has now changed. At that point, we didn't do anything.

Q. How did it start to change?

A. We allowed it to go on for about 20, 30 minutes. They were getting in groups like caucuses or different groups and different people were speaking and we just allowed that.

And then in the rear of the room, an assault on one of my officers took place, and at that point in time, that gentleman was taken into custody and removed from the room. That was the turning point where we had to reassess what was going on and the safety of all the people in that room.

MR. KACHOUROFF: Pardon me. Pardon me. Judge, I would object. We agreed at the very

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beginning that this arrest was irrelevant to the testimony, so if they're relying upon it now, I'm just -- I just want to know they've changed their position.

MS. BIBERAJ: Judge, the objection during opening was as to what the person, Mr. Smith -- what he was objecting to and what he was arguing about, not that the arrest took place. It was what his commentary was, that was the objection that Counsel was asking me to concede. That was not the -- the arrest was not the issue.

MR. KACHOUROFF: That was not my recollection, but if she's opening the door, I'm fine with it.

THE COURT: All right.

MS. BIBERAJ: We'll move on.

THE COURT: I'll allow the question. The objection's overruled.

BY MS. BIBERAJ:

Q. Major McDonald, you indicated that there was an incident where there was an arrest that took place. Between the 20 minutes that you

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allowed people to make comments and to talk and do that, you said they were collecting in different subgroups.

A. Yeah.

Q. Okay. What about the logistics of the room, the way that the chairs were, or how they had been previously set up, had any of that changed when -- once the school board members left the dais?

A. So whatever your view was, there was nothing barricading you or stopping you from bringing extra but it was chairs set up in an auditorium-style setting and once it ended, a lot of people stood up. Some people who shared the same point went to each other. Others were disputing with each other. It was just a -- like a -- free conversations that were going on in the room until the arrest was made.

At that point in time, that gentleman was placed under arrest, and then I would say approximately within two to three minutes of that, the superintendent of schools made an announcement

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to the public over the microphone that was on the daises.

Q. And what did he announce?

A. I don't remember verbatim, but he basically said that this is -- something in the nature of an unlawful assembly and that if you don't leave here, you will be arrested by the sheriff's office, something in the nature of leave or you will be arrested. He made that announcement a total of four times. On the fourth one, I signaled him to give that one again.

Q. Okay. So let's walk through each of those statements that he makes. When he's first announcing that this is an unlawful assembly, something to that effect, and I'll accept what you're doing and I'll repeat similarly that these may not be his exact words --

A. Right.

Q. -- but to the point he was making, this is an unlawful assembly and you need to leave. If you do not leave, you will be arrested. Okay.

When that first announcement was made, what

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impact, if any, did it have to the attendees within the boardroom?

A. It started to thin out. There were some people that immediately on the first -- you saw the room thin out.

Q. All right. And then for those individuals who did -- who chose not to leave, what did you observe about their behaviors?

A. So, again, with crowd management, if everybody in this room tries to go through those two doors, and then they have to go out another two doors, they have to make a right and there's a bathroom to the left. So you have to take into effect that this room can't just flow easy. You've got to make sure that the hallways outside -- the people are moving and not milling around. So what we did was we made sure that there were officers outside in the hallway, and as people exited, they were telling them, this is the exit. Please keep moving. This is the exit. And if someone wanted to use the bathroom, they weren't prevented from using the bathroom.

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So that's what initially happened on the first warning. You had people who self-volunteered to leave. They were just going to walk out.

Q. Okay. After the first announcement was made, did you make a determination or did you observe the fact that not everyone was leaving?

A. Yes, that is correct.

Q. What did you observe about their behaviors, if any, while they were inside the room?

A. Displeasure with the announcement. They didn't want to leave and so --

Q. How did you make that determination?

A. Because --

Q. Like what about your observations did you make that --

A. That people were yelling. There was all kinds of chants. There were all kinds of things being said. This is our house. We paid for this. They can't do this. They actually brought in a -- somebody brought in a PA system with a speaker and they were actually taking turns. And this is where the -- I'm going to go back. This is before the announcement. They were actually taking turns talking on the speaker to the crowd and we observed that and that wasn't a problem with us. Like I said, that was within the first 30 minutes of what was going on.

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Once the decision was made and the announcement was made by the superintendent -- I think he was the superintendent. I don't think he was acting at that point. I can't remember -- but to clear the room, we continued again with a second announcement and more people began to clear out.

Q. All right. And then for those who remained, did you see any changes in their behaviors?

A. So about the -- around the second or third announcement, we started moving into the group that was still left, telling people, please go outside. Just please go outside. You can assemble outside. You're free to assemble outside.

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And then we'd get some questions, like, you know, they can't do this and, you know, but you're not there to really like answer questions, just to let people know that you can assemble outside, so we kept on doing that.

Q. Okay. At some point, did your attention get drawn to Mr. Tigges?

A. Yes.

Q. All right. Can you tell the Court, please, for starters, do you see Mr. Tigges in the courtroom here today?

A. I do. It's the gentleman in the sling with the jacket on.

THE COURT: Okay. That's noted by stipulation and he's also pointing to him.

MS. BIBERAJ: Yeah.

Q. And on that particular day, we agree that he is dressed differently than he's dressed here today?

A. Yes, differently.

Q. Okay. On that day, did you have

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personal contact with Mr. Tigges?
A. I did.
Q. What was that, please?
A. Prior to -- while cleaning the room -- while clearing the room out and moving people, you go where the flow of the people are moving. So as the people are moving, you're just explaining to them, yes, you can go outside and as they -- they were talking and saying things back, and -- but they were moving and they would leave the room. Mr. Tigges, if I'm saying that right, was --
THE COURT: Tigges.
A. Tigges. Mr. Tigges was towards the front, kind of center, and he was saying that, no, like we're not leaving. Don't leave. He was just adamant about not leaving at that point in time, but what you do is -- he wasn't -- there were others in the room, so what you would do is those comply, you escort those and help them to leave, and then you will deal with those individuals that do not comply and are left eventually at the end.
Q. Okay. So now as you're coming into

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contact with Mr. Tigges and you're hearing him say, no, we don't have to leave and you indicated he was also encouraging others, don't leave?
A. Yeah.
Q. How did those people respond? Did they comply with his demands or how did that work out?
A. At one point, there was a lady who was carrying a baby and she got on the microphone and she basically told the crowd, like, don't -- like, I think she was kind of basically saying, don't act up. That's what they want us to do -- or take this outside. So she gave the mike -- another guy came in, grabbed that microphone and that portable speaker. They left, and they were with that group where Mr. Tigges was.
Q. Mm-hmm.
A. They exited and he remained.
A. Okay. Then at some point, did he have -- did he make any statements to you directly in regards as to what the expectation is for him to leave?
A. So by the time when I encountered him, I

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-- we'd cleared out the hallway. I was outside in the hallway. When I came back inside, he was now in handcuffs. So he was always in my periphery as what we would say is -- he was vocal about not leaving and I knew he was going to be there because he was very vocal about not leaving but we were -- I went out into the hallway and escorted those people. When I came back in, he was in handcuffs.
Q. Okay. So then let's go back to the time as you were leaving the boardroom and heading outside. You said he was vocal about not leaving.
A. Yeah.
Q. What was he specifically saying?
A. I can't give an exact word. He voiced numerous concerns, right, throughout the time. He was upset that he felt that he had the room to a certain time, that they didn't have the right to just like walk off, that these people have come to be heard. He was making statements of that nature, but, again, at lot of that was in my periphery and I could see that he was talking to

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other officers and they were trying to de-escalate the situation. So I focused on those individuals. There were some onlookers that were kind of watching to see what was going on with him, and I understood that, but we told them that they had to -- you know, that they had to leave the building, which they -- the majority of them did.
Q. Okay. I'm going to go back a little bit during the time that -- after the board was off of the dais --
A. Mm-hmm.
Q. -- and there's a -- was there a conversation between you and Dr. Ziegler as to coming to a decision that the time may come that people needed to leave?
A. Yeah.
Q. Can you tell us, please, what was the content and context of that conversation?
A. So it happened kind of quick. I was in the backside. Immediately after the board left, they wanted to announce this is an unlawful entry and I told them no, that we're not going to do

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that. Give them time. Let them voice their concerns, etcetera, and that's why there was a 30-minute window between the first time that myself and Dr. Ziegler had a conversation about clearing the room.

And they would have -- we would have continued that. It wasn't until the arrest, the violence. Once we saw that the safety of everybody else that was involved in that room, that is when Dr. Ziegler then gave the notice officially to tell everybody else to leave.

Q. Okay. And I apologize because I don't know if I misheard you or it was stated. You said that it was an unlawful entry.

A. I'm sorry. I apologize. I think the term he used was -- he gave his title and he said unlawful assembly.

Q. Okay. And I may have misheard you, so I apologize.

A. Yeah.

Q. I just didn't want to mess that up.

A. That is correct.

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Q. When you came back into the room and saw Mr. Tigges in handcuffs, did he make any statements regarding whether or not he was willing to leave even at that time?

A. No. In fact, what made -- I would never have encountered him, but as they were escorting him to the rear of the building -- because the plan was if you -- if anyone was arrested or we had to remove them, we were going to go out of the back -- the rear door.

He made a body motion to drop and resist, like stretch his leg out and kind of like drop his body. People do that when -- make you carry their body weight, at which point in time, I stepped to him, and I said, kind of, listen, hold on. Calm down. And he said to me something like, I have a right to be here and I have a right to listen. And I said, you do. You do, or something like to that nature. You do. You have a right to be here. And he was saying something like, see, this guy, he gets it. He gets it. And then I said to him, but the meeting is over. The daises is

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empty. There's no one here, at which point, he just started yelling, it's not over. It's not over.

And then I told him that, listen, you're -- if you look around the room, you'll see there's no one here now. It's over but I want you to talk to this guy in the green, at which point in time, that person in the green was Officer Haynes, who is one of our trained crisis intervention officers, so he's trained in de-escalation, and that's who I placed his attention to.

Q. Major McDonald, I don't have any other questions. Counsel may have some for you. Thank you very much for your time.

A. Okay.

THE COURT: Before you start your cross-examination, let me take up one matter.

(OFF THE RECORD)

(ON THE RECORD)

THE COURT: All right. Now you may proceed.

MR. KACHOUROFF: Thank you, Your Honor.

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CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT

BY MR. KACHOUROFF:

Q. All right. It's Major McDonald?

A. Yes, sir.

Q. Make sure I get the rank right.

Just a quick follow up with some of the things that you talked about --

A. Mm-hmm.

Q. -- so I understand. Is it true that -- I mean, after the crowd was cleared out, you actually stayed for the remainder of the board meeting that was occurring?

A. That is correct.

Q. You wanted to hear an issue before the board?

A. That is correct.

Q. So moments ago, you talked about the board meeting being over. You meant the public comments time was over.

A. Yeah. I thought I did state that they took a nine-zero vote to end public comment.

Q. Okay. Got it. So but during -- there

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are plenty of school board meetings where people come up and just sit in the audience and watch, right?

A. In the past, yes. That is correct.

Q. So one thing you testified to, you had no problem -- they were taking turns on the speaker giving their own public comment. And you -- and I said -- or you said, rather, they were taking turns on a speaker -- their own speaker and you had no problem at all with that but at some point, you decided to clear the room. So I want to talk about that just briefly.

The Commonwealth's attorney for Loudon County has suggested that he wasn't dressed the same way then as he is now. Was there some inappropriate dress that he should have been wearing? Was he not dressed appropriately at the board meeting? Was he was wearing bad shirts or --

A. No, he didn't have on anything that was like derogatory. Like some people wear shirts that make statements. I don't remember him wearing anything like that. He was dressed –

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Q. Nondescript.

A. Yeah, just regular dress.

Q. No offense to my client. And you heard the woman say on the speaker, don't act up. That's what they want you to do.

A. It was something of that nature, like she was telling them to kind of behave, and she gave the speaker and she complied. She had a child with her –

Q. Understood.

A. – and she – they left on their own. She didn't agree. Don't get me wrong. She did not agree with us – with leaving and she made that –

Q. Sure.

A. – (inaudible) clear to us but –

Q. Sure.

A. – she did comply.

Q. The other part of your testimony -- so you went back to the board and they wanted to declare an unlawful assembly and you told them no.

A. No, they wanted to – I'm not going to

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say – what they wanted to declare. They wanted to tell everyone to leave, so that was what we had done with crowd control in light of the George Floyd incident. We have – people are allowed to protest, and we have allowed people to protest. That doesn't – as long as they are protesting peacefully, as long as everyone is safe and there's no destruction of property, we've allowed people to protest.

At that point when the board had left, that was a protest and we allowed them to protest. The moment the violence occurred, which was the assault in the rear of the room, and that – my officer, that officer, was assaulted by the individual who tackled the officer, at that point, the free speaking to each other concerned us. The number of people that were in that room, and if more of those took place, how that would be to break those up and the people – there were a lot of kids in there. Like I said, one lady was carrying a baby.

Q. Sure.

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A. So at that point, I agreed with the superintendent. Now is the right time. You can go ahead. I'm fine with it. You can make your announcement, but we still are not going to physically push or encourage them to leave. Your announcement will make people leave and it did, and he made a total of four of them.

Q. Okay. So the incident with your officer where you say he got tackled, did you see it?

A. So I saw the corner – I was behind the media, so what I saw was the crowd. I didn't see the tackle. I saw commotion and I heard the noise, and I stood up but you still couldn't see, and I read the other officers from the other room as they move in, which is normal. You watch what the –

Q. Sure.

A. – backup officer is doing and –

Q. Sure. (Inaudible).

A. – I saw them go down and, in fact, we had standby officers, emergency officers that were standing by in case things went south. I held

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them back and -- because he went down and then very quickly, they stood up and he was in custody, so we didn't need to -- we didn't want to over send officers to a situation. It was handled by two or three officers at the most.

Q. So it's possible that he wasn't tackled, but there was a scuffle.

A. No, I saw the tackle on the video. That's why --

Q. Oh, you've seen the video of the tackle.

A. I saw the video. It was on the news and everything else. I saw the tackle --

Q. Okay.

A. -- but at the time, I didn't know what was going on. I had to find out afterwards, why was he arrested? What was the situation as --

Q. Do you have the video here today?

A. No.

Q. Okay. Does it show somebody charging a deputy and tackling, like a linebacker?

A. It shows him -- yeah, like a linebacker.

Q. Okay. And so was the deputy behind him

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or in front of him?

A. The deputy would have been in front of him.

Q. Okay. And did -- was there a deputy behind him?

A. There was a deputy that -- the secondary deputy -- so the interesting thing is, so the way it works is this. The noise is made. The action is made. Now the camera comes over to that area. So there's a commotion going on before the camera gets there. The officer wasn't nowhere near there. He was in another post, so once the noise and the commotion takes place, the officer comes over to take a look at what's going on. He has some words with the individual, like, hey, you need to come over here, talk to me. We'll try and de-escalate the situation.

Now the camera comes to the situation because the rest of the room is picking up on -- something's happening in the back, and that's how the incident went. When the officer went to pull the gentleman away from the scene, he turned, he

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tackled the officer. That's what I saw on the video.

Q. And so you didn't run at the officer. In other words, the officer grabbed him.

A. The officer went to take control.

Q. Okay.

A. Yeah. Three times, we were trying to take control.

Q. Absolutely, yes. Understood.

A. And so he's trying to control him, like, you know, this is not going good. Come over here, talk to me, etcetera, and then the assault occurred.

Q. Other than than one person, were there any other incidents?

A. There were reports taken after the incident, yes. There was a lady that said that she was pushed by someone. That report was taken and an incident number was placed. We interviewed some people about it because she fell, adamant that she was pushed and we checked into it and apparently, it seemed to be that, once that

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commotion had taken place, other people moved away and they bumped into this person, and so some people were pushed and made complaints about stuff like that.

Q. And she was on her way out when she got pushed.

A. I don't believe that she was on her way out at all.

Q. Okay.

A. I just -- I believe she reported that -- this is way before -- we hadn't told anybody to leave at that time.

MR. KACHOUROFF: Okay. Okay. Okay. I have nothing further, Your Honor.

THE COURT: Redirect?

MS. BIBERAJ: No, Judge. Thank you, sir.

THE WITNESS: Thank you.

MS. BIBERAJ: He just will be subject to recall.

THE COURT: All right. You'll -- you may step down. You need to go back out in the

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hall. Do not discuss this case while you're waiting. You may be recalled as a witness.
THE WITNESS: Okay.
THE COURT: Thank you.
THE WITNESS: Thank you, Your Honor.
THE COURT: The Court --
MS. BIBERAJ: Next is Sergeant (inaudible) please.
THE COURT: -- will take a five-minute recess.
THE COURT OFFICER: All rise. The Court's in recess.
(OFF THE RECORD)
(ON THE RECORD)
(Call to the order of the Court.)
THE COURT: All right. Next witness for the Commonwealth.
MS. BIBERAJ: Sergeant Leydig, please. Judge, while he's coming to the stand, may I please hook up a video (inaudible) the Court?
THE COURT: Yes.
Sergeant, come forward to the witness

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stand, which is up here to your right. You've been sworn earlier with the other officers, so you may take a seat at the witness stand. The Commonwealth will be questioning you first, and then attorney for the Defendant may also have questions. Yes?
MR. KACHOUROFF: Your Honor, my client's using the restroom, so he should be back shortly.
THE COURT: Well, okay. We can't start until he gets here. All right. Thank you for letting me know.
MR. KACHOUROFF: I almost forgot myself.
THE COURT: While we're on a break, let me address a couple of matters.
(OFF THE RECORD)
(ON THE RECORD)
THE COURT: All right. Is the Commonwealth ready with this witness?
MS. BIBERAJ: We'll be ready to start (inaudible), Judge.
MR. KACHOUROFF: Can I just check the -- may I approach that video just to check the

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exhibit --
THE COURT: Sure.
MR. KACHOUROFF: -- just to make sure it's the same one we're looking at?
THE COURT: Yeah.
MR. KACHOUROFF: I apologize, Judge. (Inaudible). Okay. Can we do large screen and also put the sound on? I want the Judge to hear the tone and tenor of the room.
Your Honor, I don't know if the video transfer to your screen at all, but we can actually -- do you mind if I (inaudible) to get the full screen?
MS. BIBERAJ: I'm going to do that.
MR. KACHOUROFF: Okay. Sorry.
MS. BIBERAJ: No, no. That's okay.
MR. KACHOUROFF: I'm trying to be helpful.
MS. BIBERAJ: I appreciate you. I just want to ask him some questions first.
THE COURT: All right. You may proceed. Thank you.

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(Exhibit 1 was marked for identification and was retained by the Court.)
MS. BIBERAJ: Thank you.
Whereupon,
JASON A. LEYDIG,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:
DIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Good morning, Sergeant Leydig.
A. Good morning, ma'am.
Q. Can you please introduce yourself to His Honor?
A. Your Honor, I'm Jason A. Leydig, Deputy Sheriff, Loudoun County Sheriff's office, rank, sergeant.
Q. Okay. I'm going to ask -- most of the questions I've got today are going to be related to June 22, 2021, incident.
Prior to doing that, can you tell the Court, please, how long have you been in law enforcement?

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A. I started my law enforcement career in 2001 in August in Grand Rapids, Michigan, at the Kent County Sheriff's Department. I started with the Loudoun County Sheriff's office December of 2004.

Q. Okay. And what responsibilities as far as in titles or assignments have you had since being a law enforcement officer for the sheriff's office?

A. I started in the Loudoun County jail in 2004, worked there for 14 months. Then I went to public relations as a DARE officer, crime prevention officer, went to patrol, then did the school resource, was promoted to the motorcycle sergeant, to traffic sergeant, and then recently was transferred to patrol in the western end of the county.

Q. Okay. Relative to the training that you've had specifically while working at the jail and the patrol, as well as school resource officers, is there additional training that you were provided or more specific training that you

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were provided regarding crowd control and assessment of safety?

A. To answer this question very specifically, I've had ancillary duties such as civil disturbance. With the civil disturbance training coupled with school resource, I would say that there are probably around a hundred hours of additional mandatory in-service recertification trainings that I've received through civil disturbance, crime prevention, and school resource officer.

Q. Okay. And as part of that training, are you taught how to assess certain behaviors within a crowd to make a determination as to whether or not safety becomes a risk?

A. Yes, ma'am.

Q. Okay. What types of things are you taught to look for?

A. I've been taught to look for individuals in a group that are organizers, individuals that are acting outside of a group, and then groups acting in concert with one another.

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Q. Okay. And as far as specific behaviors, what are you looking for?

A. Looking for individuals yelling, screaming, inciting others to yell and scream and carry on a coordinated effort to break the peace.

Q. Okay. Are you also taught in the civil disobedience training as to how to de-escalate matters?

A. Yes, ma'am.

Q. What tools have they taught you to add to your skillset?

A. Chief amongst them, the Loudoun County Sheriff's office implements a crisis intervention training, in which nearly a hundred percent of its deputy sheriffs are trained with crisis intervention.

Q. And what exactly does crisis intervention training mean?

A. Crisis intervention training means that a deputy is taught over the course of 20 to 40 hours on how to talk to an individual that is exhibiting crisis-like behaviors, meaning that, if

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they are in a crisis, instead of dealing with it in a black and white legal aspect, we can deploy officers that are specially trained to speak with them and de-escalate the situation, hear them out, and to understand what they're going through.

Q. Okay. Excellent. Now I want to ask you specific to June 22nd, if I may, please.

Were you assigned to the school board meeting?

A. I was assigned to the school board meeting by voluntary overtime. So I was there because I signed up for overtime for that position as an LCPS contractee.

Q. What was your initial direction as far as why you were to be there?

A. It was to keep the peace.

Q. Okay. At any point in time, were you told that your position or your purpose was to stop people from speaking?

A. Absolutely not.

Q. Okay. What time did you show up to the Loudoun County school board building?

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A. If I could refer to my notes.
Q. Okay. So if you could do this, I could share with counsel because I know you gave him the notes -- what notes are you looking at that we also can review?
A. This is an actual self-note of the incident-based report that I submitted to the Loudon County Sheriff's office that I placed upon my cell phone, just so that I could read off of it.
Q. Was it then transferred into a narrative?
A. Yes, ma'am. The same narrative that everybody has access to (inaudible).
Q. Okay. All right. We're good.
A. Yes, ma'am. To answer your question, 1500 hours, 3 p.m. is when I arrived to the area, in order to get a briefing.
Q. All right. How were you dressed that day?
A. I was dressed the exact way that you see me today.

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Q. And for the record, can you describe what that means? Are you in full uniform?
A. I am in full duty uniform, Class B, displaying my badge of authority with a nametag and all the other regalia.
Q. And as far as your insignia and stuff like that, it says sheriff on the front?
A. Yes, ma'am.
Q. What does it say on the back?
A. It says sheriff on the back as well.
Q. All right. And as you indicated, the same uniform you have here on today in court is the same one or similar -- maybe not the same exact shirt, but similar to the one that you wore on June 22nd?
A. Yes, ma'am.
Q. All right.
MR. KACHOUROFF: Just briefly, Judge, we don't have to go through this every time. I'll stipulate that they're all on duty wearing -- displaying their badge of authority because it'll speed things up.

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MS. BIBERAJ: Thank you (inaudible).
Q. When you arrived to the Loudoun County school board building around 3 o'clock, did you come in through the parking lot area?
A. Yes, ma'am.
Q. Had you -- did you observe any individuals already gathering by that time?
A. Yes, ma'am.
Q. Can you describe for the Court what you observed?
A. I observed, by and large, the group was coordinated. They were calm. They were very appreciative of law enforcement being there, and I saw many people that I'd seen there before, having worked many overtime assignments there before.
Q. Okay. Based on the size of the crowd, was this any different than the other times that you had worked one of those school board meetings?
A. There were a couple more tents. There were speaker with microphones that were set up that I haven't seen before.
Q. Okay. And when you made this

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observation, were you -- did you make it as you were going into the building or were you stationed outside the building?
A. Both. I made it as I entered into the building and as I was inside the building, looking out through the windows.
Q. All right. So now let's change the focus of the conversation to when you were inside the building. When you were inside the building, do you see the crowd start to increase in size?
A. I did not notice the increase due to the fact that my assignment was specifically to keep the peace inside the boardroom.
Q. Okay. All right. So now we're going to start talking about the boardroom in and of itself.
What time did the meeting start that evening?
A. I would have look at my notes.
Q. That's okay.
A. I don't have an exact time. I would say that it probably started around 4 p.m. --
Q. Okay.

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A. -- to the best of my knowledge.
Q. So you said you've attended prior board meetings. Relative to attendees and the number of individuals who attended, was this evening on June 22nd any different in the number of attendants versus prior hearings?
A. There were open seats at every meeting that I had been at prior. This was the first meeting that I saw that there were absolutely no open seats.
Q. Okay. And what was, like, the emotional energy that evening?
A. The emotional energy was by and large calm at first.
Q. okay. Did things then start to change?
A. As the meeting continued to go through its normal decorum, there was at one point booing and jeering from whatever side was booing and jeering towards the other side. At that point, the decorum had been lost and I noticed that the chair had called a brief recess.
Q. Okay. And at the time that she called

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the brief recess, was there any comments made towards the crowd as to why that recess was taking place?
A. I don't remember to the best of my recollection.
Q. Okay. Did the meeting then reconvene?
A. The meeting then reconvened five to ten minutes later.
Q. All right. Did you observe anything about the crowd or the attendees that then caused you to be concerned as to the tenor or the impact to safety that this may have?
A. I noticed that, at that time, the crowd became very, very calm and very quiet, and on both sides, were running through their respective speakers.
Q. Okay. Did there come another point in time when the chair took a recess?
A. When Senator Dick Black took the podium, that is when he gave an impassioned speech, and it was at the time that his microphone was cut off that the room then changed its tenor to become

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upset, loud, and --
Q. Okay. When you say the mike cut off, are there time limits on speakers?
A. Yes, ma'am.
Q. Had he -- to the best of your information and knowledge, had he met that time and exceeded it?
A. Yes, ma'am. The 60 seconds had elapsed.
Q. Okay. I know you said that you saw that the crowd became upset and loud. What, if anything, did you observe about their physical demeanor that caused -- or impacted your sense of safety for the attendees?
A. The crowd by and large had stood up, started to yell, and this is after Senator Black had completed his speech and everybody had given him a round of applause and it was hard to hear, but the -- at that point, the chair had voted for a nine-zero end to public comment, so as they voted for the end to public comment at nine to zero overwhelming, they then recessed to the ante room.

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Q. Okay. Then what, if anything, occurred relative to the crowd?
A. For the next 30 to 40 minutes, the crowd started off by singing the National Anthem. I was asked to give a brief to my command staff to which I said over the radio -- if I may read from my notes specifically.
MR. KACHOUROFF: No objection.
A. Using my duty-issued radio, I told command that we are going to let these folks exercise their First Amendment rights.
Q. Okay.
A. And that is on recording.
Q. And that's fine. Right?
A. Mm-hmm.
Q. And did you also ask them at that point that you wanted additional deputies to be there because some deputies had been taken out of rotation?
A. There were -- there was one specific incident to where a gentleman was yelling at a female. Two deputies intervened. As those

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deputies intervened, they had to go hands-on, which basically means they had to physically take that individual into custody. That liquidated a majority of my deputies, which meant that it was just me and another deputy. I called for backup. Eventually, several more deputies came.

During that time, some for people left. Some people stayed. We went from probably 300 plus individuals in the room to at that point maybe a hundred.

Q. Okay. And how many deputies did you have in the room at that point when it was reduced to about a hundred?

A. I don't have it written down. To the best of my recollection, no more than five.

Q. Okay. And at this point, you've had maybe about 30 minutes pass as far as when the announcement was made that they needed to leave, and --

A. Yes. And I heard at least three to four – I have written down in my notes, four announcements from Dr. Ziegler of such to cease

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and desist, and we -- I do have an actual quote, if I may read that.

Q. You're welcome to.

A. Superintendent, Dr. Scott Ziegler, says, as an administrator of Loudoun County Public Schools, I am notifying you that this is an illegal assembly and you are ordered to leave the building. Those that remain will be subject to arrest for trespassing.

Q. Okay. After the first time you heard that, what, if anything, did you -- and you -- and if I may ask this so I don't make this assumption, you were the highest-ranking officer within the boardroom at that point in time when he made the first announcement other than Major McDonald, correct?

A. Correct.

Q. Okay. So after that first announcement that you need to leave, it's an illegal or unlawful assembly or you will be subject to arrest, what do you direct your staff -- law enforcement officers to do?

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A. From the very beginning, I said, we are going to ask them to leave.

Q. Okay.

A. Just be nice. Ask them to leave. Apologize profusely. Don't get into a conversation with them. Please, please leave. I'm so sorry. Please leave. If you're ever asked a question, I'm sorry. Just please leave.

Q. And that's part of the de-escalation, correct?

A. That is part of the de-escalation, open hands, just very gently trying to corral people out of the back of the room.

Q. All right. And that starts with the first announcement when there's approximately 6- to 700 people in the room.

A. Yes, ma'am.

Q. Some people have complied?

A. Some people have complied.

Q. All right. When it gets to the second announcement, does your instructions or your actions change as to encouraging those remaining

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to leave?

A. It is just a repeat of the exact same orders.

Q. All right. Third time, does it change?

A. A repeat of the exact same orders.

Q. All right. Now by the fourth time, you've now had an incident related to one of your law enforcement officers coming hands-on with another attendee, correct?

A. Yes, ma'am.

Q. At this point in time, what then changes as far as how the actions will be for the law enforcement to take?

A. We only have a handful of folks left, and my major has said I need one more announcement. Get these people out of here.

Q. Okay.

A. He said something to that effect.

Q. And that was after the physical altercation with the one gentleman who was arrested.

A. Yes, ma'am.

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Q. So let's talk a little bit about the tenor of the room when that was going on. Did it decrease the anxiety in the room or did it increase? What impact, if any, did it have?

A. I will say that, since there was absolutely nobody other than the five to ten citizens that were left, the mood of the room was calm due to the fact that there were more law enforcement there than there were civilians.

Q. At the time that he was arrested, there was only five or ten?

A. Mr. Tigges?

Q. I'm sorry.

A. At the time that the --

Q. Mr. Smith.

A. -- of the initial arrest, there was several hundred people.

Q. Right. Okay.

A. But by the end, when Mr. Tigges was arrested, there was only five to ten.

Q. All right. So I apologize. So I should have been very specific (indiscernible) so excuse

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me for not having done that. Let's go back to the individual who was arrested that was not Mr. Tigges.

At that point in time, there's a couple hundred individuals in the room. While that was going on, what was the tenor --

THE COURT: Wait a minute. The answer to that was yes.

A. The tenor --

THE COURT: The court reporter can't --

MS. BIBERAJ: Yeah, because there's a court reporter.

THE WITNESS: That's okay.

THE COURT: -- (inaudible). All right.

MS. BIBERAJ: Yeah. Thank you, Judge. Let me go back and walk through that, so that you actually have an audible response.

Q. At the time that the other person who was not Mr. Tigges was arrested, there was approximately a couple hundred people in the room still?

A. Yes, ma'am.

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Q. And there was about five law enforcement officers?

A. Yes, ma'am.

Q. Okay. What was the tenor of the room as far as the attendees when that other person was being arrested?

A. It was loud. It was angry, and it was not safe in my opinion.

Q. Okay. What concerns did you have and for whom relative to other attendees, law enforcement, or anything else in that nature?

A. My main goal and I tell my deputies that my main goal was to keep the peace, to keep the civilians safe, to keep the board safe. We're not there just for the board. We're there to make sure that everybody has a safe First Amendment environment in which they can exercise that right.

Q. Okay. At this point, you indicated that safety became an issue.

A. Yes, ma'am.

Q. All right. What, if anything, did you then direct your fellow officers to do?

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A. Again, open hands, communicating in a positive manner with the civilians that were left, the citizens, in order to leave the boardroom.

Q. Okay. At that point, are they getting actually closer to the crowd themselves to be able to -- I don't want to use the word corral. That's a little offensive -- to encourage them to leave?

A. Yes, ma'am. We are advancing on them by taking shuffle steps.

Q. All right. And are most people then complying with it?

A. Yes, ma'am.

Q. All right. At -- sorry. At some point, do you then actually come into direct contact with Mr. Tigges?

A. Yes, ma'am.

Q. All right. What would -- what is the interaction between you and he?

A. There was one interaction before the video that was captured in which I asked Mr. Tigges to -- is that the proper pronunciation, Tigges?

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MR. KACHOUROFF: It is. Yes. Thank you.

A. To come aside and to which -- not to say hearsay. I just asked him what -- I said, what is your end goal here today?

Q. And what'd he say?

A. Mr. Tigges then said -- he goes, there's no way that I'm going to leave this building without being arrested.

Q. Okay. At that point, then there is an interaction that is recorded between you and he.

A. Yes, ma'am.

Q. Can you describe for the Court, please, what is your then next interaction with him?

A. I saw Deputy Haynes, who will be in the video with a green shirt, interacting with Mr. Tigges in a CIT manner, engaging Mr. Tigges to understand what his crisis is to be able to de-escalate that. As he is engaging Mr. Tigges, I'm advancing and pushing people without pushing them.

Q. Without touching.

A. Right. Pushing them out of the back of

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the room, and with great success. And then as I come back, there was one more audible notification from Dr. Ziegler and the order by Major McDonald to make sure that all these people (inaudible) and that is when I had my last -- my interaction with him. That was on video.

Q. And what was the interaction between you and Mr. Tigges at that point in time?

A. At that point, I very succinctly went up to Mr. Tigges and said -- if I may look at my notes just so that I'm not --

Q. Sure.

MS. BIBERAJ: For Counsel's reference, it's Page 5 of 6, Paragraph 2.

A. Yes, ma'am. I returned at around 5:55 hours to find Mr. Tigges was still engaging with Deputy Haynes. Deputy Haynes and Mr. Tigges were speaking. Mr. Tigges was speaking about the suppression of people's rights. I asked Mr. Tigges, Jon, are you refusing to leave at this time? Mr. Tigges replied, yes, I am refusing to leave. I then gave the order, deputies, please

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arrest this individual for trespassing.

Q. Okay. And did that, in fact, take place?

A. That took place. He was arrested without incident.

Q. All right. I'm going to go and just identify some video. The videos that you will be asked to look at, you've had an opportunity to review them earlier, have you not?

A. Yes, ma'am.

Q. Are those videos that you actually provided to me, those being videos that are on YouTube, a public channel?

A. They are on a public channel. Yes, ma'am, to which they have been recorded and placed into our evidence system.

Q. Thank you, sir.

MS. BIBERAJ: Judge, based on Counsel's request and my consent, what we're actually going to do is actually allow the audio on this. I don't think there's any objection to that.

Counselor, can you see that?

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MR. KACHOUROFF: Yes, ma'am.

MS. BIBERAJ: All right. Thank you, sir. At any point in time that you need (inaudible).

Q. I don't know if it's too soon to tell but are you able to identify who the sheriff is in this --

A. That very well might be my back.

Q. Okay. If at some point, it isn't, then let me know. I believe it is you too but we'll see that.

A. That is me.

(Video started.)

(Video stopped.)

Q. I just want to ask you a couple of questions. You see that there's numerous deputies within the throng of the crowd, and that's what you were saying, that they were encouraging them to leave?

A. Yes, ma'am.

Q. All right. Are those the exit doors on the top, right-hand side?

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A. Yes, ma'am.
Q. All right. There's someone speaking in the background. And is that the amplification system that somebody's speaking on?
A. There is one really loud woman that did not have any amplification whatsoever and that's generally who we're hearing through most of this.
Q. Okay. All right. If you listen to it, there's a -- it sounds like a male voice and it sounds like an amplification. I just want to ask you a question, if you'll listen to that and then I'll -- let me know when you hear it.
(Video started.)
(Video stopped.)
Q. So with what we are hearing, is that similar to what you were experiencing in real time?
A. Yes, ma'am.
Q. All right. Now I'm just going to let it play.
(Video started.)
(Video stopped.)

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Q. Is that Mr. Tigges?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. On the (inaudible) because, at some point, you'll see Sergeant McDonald in the photo and he makes a signal. Is that you were referencing earlier to make another announcement for people to leave?
A. It very well might be that I'm -- correction to Major McDonald.
Q. I'm sorry.
A. No, it's okay. Mm-hmm.
(Video started.)
(Video stopped.)
Q. And as far as the individual that's talking to Mr. Tigges, who is that, from the sheriff's office?
A. The green-shirted deputy was Deputy Haynes.
Q. And that's with the specialized CIT

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training?
A. Yes, ma'am.
Q. All right.
(Video started.)
(Video stopped.)
Q. Sergeant Leydig, was that a true and accurate video of the events as they transpired that evening on June 22nd?
A. Yes, ma'am.
Q. All right. I have no further questions at this time. Thank you, sir.
THE COURT: Cross-examination?
MR. KACHOUROFF: Very, very briefly, Judge.
CROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Sergeant, you said, no way I leave without being arrested was one of the comments that he said to you.
A. Yes, ma'am. Yes, sir.
Q. It's okay. Fair to say that he may have -- because I didn't see that contained in your

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statement -- in your written statement.
A. Yes, sir.
Q. Is it contained in there?
A. It is not contained in my narrative. No, sir.
Q. Is it just as possible he says no way I'll leave until everyone's had a chance to speak?
A. That is absolutely not what I heard.
Q. Okay. So if it was on video that that's what is said, you would go with what the video said rather than your own recollection.
A. If there was a video that contradicts what I said, then my recollection obviously is in flaw.
Q. And you talked about the 30 minutes after the board left. What happened during the 30 minutes? Were they talking? Were they on that -- doing their speeches on the --
A. Yes, sir. They were taking turns, standing on chairs, on a speaker system that they brought in.
Q. So the board didn't come back to resume

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the meeting for 30 minutes or more?
A. That is true.
Q. Did they tell you that they weren't coming back? Did they tell you they were coming back? What was the board's intent at that point?
A. I don't know.
Q. Did the board ever tell you before they recessed that they wanted everybody cleared? Before you made the announcement, did the board ever say they wanted everybody gone?
A. No, sir.
Q. Were you in the back room with the board at any point in time?
A. No, sir.
Q. So you would have no way of knowing what they said.
A. No, sir.
Q. Okay. Mr. Tigges never once called you a pig.
A. No, sir.
Q. Was he respectful? Would you say that was respectful, what you saw?

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A. In the back parking lot, he was very, very, very respectful.
Q. Okay. And he was also -- while he was adamant about his constitutional rights, he wasn't belligerent with you.
A. I would say that what you saw in the video was his impassioned plea to be heard --
Q. Understood.
A. -- is my opinion of the situation.
MR. KACHOUROFF: I have nothing further. Thank you, Judge.
THE COURT: Redirect?
MS. BIBERAJ: Briefly.
REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. Sergeant Leydig, relative to your actions and those that you directed your officers and deputies to do, was that in an attempt to silence his abilities to speak?
A. No, ma'am.
MR. KACHOUROFF: Objection, Your Honor. That goes beyond the scope. I never raised

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anything about the deputy stopping him from speaking.
MS. BIBERAJ: I think it's his response, Judge, to Mr. Tigges wanting to speak and to exercise his First Amendment privilege. That's in response to that, that his attempts were not to forfeit that or just to (indiscernible) that in any way.
THE COURT: The issue came up about speaking.
MR. KACHOUROFF: It did. All I asked him was he said Mr. Tigges said -- because I wrote it down, I'm not leaving until -- or I'm not going to -- he asked what is his end game, and he believed Mr. Tigges said, I'm not leaving this room until I'm arrested or some such thing like that. And then I asked the question, is it possible he said I'm not leaving the room until everyone had a chance to speak. He couldn't remember.
That's it, but that doesn't open the door to him -- her asking all kinds of other

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questions about whether he gave orders to stop speaking. I never even went into that. In fact, his testimony was that they did -- his testimony was just the opposite, that he actually is on the radio saying, we're going to give these people their First Amendment right to speak.
MS. BIBERAJ: Judge, we can refer to the court reporter as to the subsequent question because there was a subsequent question if that would guide the Court in its ruling on the objection.
THE COURT: I'm inclined to allow the answer to the question.
MR. KACHOUROFF: Okay. That's fine.
THE COURT: It seems to me that that was the -- there was a question about speaking and I think it's a follow up question to that. There might have been a difference in what you asked him about his recollection and what something may -- some other testimony -- not testimony -- but the video may have been, but regardless, I'm going to allow the question. Objection overruled.

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MS. BIBERAJ: Thank you, sir.
BY MS. BIBERAJ:
Q. And Sergeant Leydig, was the crowd permitted an alternative site to continue with their public comments, such as being outside of the boardroom?
A. The hallway or the parking lot at large.
MS. BIBERAJ: I have no further questions. Thank you, sir.
MR. KACHOUROFF: May I redirect?
THE COURT: Yes.
RECROSS-EXAMINATION BY COUNSEL FOR THE DEFENDANT
BY MR. KACHOUROFF:
Q. Do you know whether the parking lot and the right to assemble outside of the parking lot, was that announced on the loudspeaker?
A. I don't recall.
Q. Do you recall whether the school board had a notice that said, listen, this is a big crowd tonight. We're going to set up additional areas outside for the right for the people to assemble?

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A. I don't recall.
MR. KACHOUROFF: Thank you. Nothing further, Judge.
THE COURT: You have the last --
MS. BIBERAJ: Thank you, sir.
RE-REDIRECT EXAMINATION BY COUNSEL FOR THE PLAINTIFF
BY MS. BIBERAJ:
Q. But you heard Sergeant McDonald -- I'm sorry -- Major McDonald clearly state they could assemble outside.
A. Yes, ma'am.
MS. BIBERAJ: I have nothing further. Thank you, Judge.
THE COURT: All right. Is this witness needed further?
MS. BIBERAJ: Judge, he's subject to recall if we may, please.
THE COURT: All right. You may step down.
THE WITNESS: Thank you, Judge.
THE COURT: You need to wait out in the hall and you may be recalled as a witness. Do not discuss this case while you're waiting.

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THE WITNESS: Yes, sir.
THE COURT: The next witness for the Commonwealth.
MS. BIBERAJ: Judge, that would be the Commonwealth's case in chief.
THE COURT: Commonwealth's case.
MR. KACHOUROFF: Your Honor, I move to strike the Commonwealth's case.
THE COURT: Okay. Do you have some reason for that?
MR. KACHOUROFF: Of course, I do. I'm getting ready to tell you.
THE COURT: Okay.
MR. KACHOUROFF: This case is interesting from several respects. You've got the superintendent who thinks the sky is falling and describes a chaotic scene reminiscent of January 6th, yet there's no protestors burning chairs, looting, rioting, jumping on top of the dais, nothing.

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The only incident you saw of someone standing on a chair was a shorter fellow -- and I sympathize with him because I'm not as tall as I'd like to be -- get on a chair during the recess and attempt to speak and attempt to say something, and then the microphone gets taken away and he gets down. There was nothing disorderly about that room, nothing. The cases are replete with this type situation.
And, look, we're not talking about a courtroom. If I come in here and pull antics on you, not only are you going to shut me down, the bailiffs will come and put me in cuffs because the decorum here is not the same -- it's not a political decorum.
First, I mean, Justice Thurgood Marshall has mentioned on occasion a famous case. I think it was an Illinois case, a Chicago case, where they were talking about the animating contest of freedom, and when we talk about politics, that there is -- it's expected that we are engaged in this political discussion. That's why a lot of

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people don't like to talk about religion and politics, yet we have both of those things being talked about here.

Nothing in these videos shows any sort of riotous assembly. The question is -- the question you have to decide is whether an unlawful assembly has to be there in order for the police to clear a public assembly. You can't have it any other way than to have -- you have to make that analysis because if you do, then there's no -- why would you ever have an unlawful assembly? You never would. The unlawful assembly exists for this reason.

When I speak to unlawful assembly, I'm talking about the old common law and now which is codified at 406, I believe, of Title 18.2. Yes, 18.2-406. If this statute does not apply to public assemblies, it never will -- or to public protests, it never will. We will have established a new squish standard that, well, I feel this and I feel that and they weren't using their jazz hands. They were applauding. There's no policy

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that says they can't applaud.

I noticed the Commonwealth didn't show you the -- Dick Black speaking and the applause afterwards because that video may not have been favorable to the Commonwealth. Why didn't they show the -- what the crowd's reaction was? It's their burden. They have the burden to do that, not me.

But at the end of the day, the motion to strike should be granted and for one salient reason, that in order to declare this an unlawful assembly, you have to meet the exact terms of the statute. Arresting one person who, according to Major McDonald, got tackled, but Sergeant Leydig didn't express it in those terms. The two guys -- they arrested him without incident and they took him out and people continued for a little while thereafter. And then they made the announcement to -- that it was an unlawful assembly.

I think when you look back at the evidence, that this really illuminates that issue because we have Major McDonald telling you

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uncontradicted or that before he went back into the room with the board and the board wanted to clear the room out then and he said no. So he knew he couldn't just clear it out. So what is the standard by which he claims that he can clear that room?

The board obviously didn't want to hear any more public comment. That much is clear by virtue of Major McDonald's testimony. They're going to have that issue to deal with. That's a separate issue but the real glaring part that you have to overcome is why did Major McDonald have the right to clear that room when there was no unlawful assembly? And you'll see they're all -- without even my prompting, the witnesses like Dr. Ziegler are now backing away from the unlawful assembly because they know. They read the statute and they went, oops. We screwed up.

So they couldn't clear that room just because. When the board sets up a public meeting and within that public meeting, sets up a public comment session, it's accorded strict scrutiny.

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It's accorded First Amendment protections under the United States Constitution. That's not in disputed. The only way to defeat that is to show -- make a showing not that, oh, well, the crowd was rowdy. Well, this is politics. Crowds always get rowdy. You know, I think one of the witnesses likened it to a game, but there wasn't three or more persons conspiring and the statute is key here and it assists you in understanding whether this occurred.

It's lawful or unlawful purpose. So they had a lawful purpose, but they do so by the commission of an act or acts of unlawful force or violence likely to jeopardize serious public safety. The statute sets the standard, not the training that all these officers claim to have. The statute does.

When three or more persons assembled share the common intent, then such assembly is an unlawful assembly. There wasn't three or more persons using violence. All you heard was one person got arrested because he was getting mad at

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another woman and there was no indication that he hit her. There was no actual act of violence.

So in order for this case to -- in order for the -- for us to say that the sheriff had the right to stop a First Amendment hearing, he's obviously talking to the board. The board wants it stopped. That's where the school board superintendent decides, well, we'll just call it an unlawful assembly and we'll stop it right now.

The problem is it didn't meet that, so in order for the Commonwealth to meet its case, it can't run from the statute. They can now claim in open court after the fact, oh, it wasn't really unlawful. We were just scared that there were -- people weren't using their jazz hands. They were clapping and -- you know, no wonder why people are upset with government. The government -- this is not a beauty contest where we -- everybody sits respectfully. This is a political forum. This level is to be expected.

There was nothing -- you didn't hear that Mr. Tigges at any time was disrespectful to

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the officers. He was asserting his constitutional rights. That's the oath that I took, that you took, that the Commonwealth took, that the officers take. Now, people have a tendency to want to balance these rights out, but this is not the same thing as yelling fire in a crowded theater. We're not even asserting that Mr. Tigges is attempting to yell fire in a crowded theater, but he had a right to speak. He wasn't doing anything wrong.

There wasn't an unlawful assembly, and that's the whole point of this. That's what colors this whole -- and by the way, just so the Court understands the Commonwealth's case, they tried to create an unlawful assembly without going to the statute. That's why you heard all this testimony about, well, we were scared, based on my training, you know, the crowd this, the crowd that. Well, it doesn't matter what any of that is. What matters is what the statute says. That's what we go by in the law.

And so in order to convict him of

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trespass, which they cannot, they would have had to have shown that it was an unlawful assembly. He was there for a lawful purpose but he didn't engage in any acts of violence. It was passive, just like Martin Luther King and the passive protests. So I would ask Your Honor to find the Commonwealth has not met its burden. They have not proved that an unlawful assembly existed, and that they had no authority to order Mr. Tigges from the room. He had every right to speak because the time was allotted.

That's part of the First Amendment. These board meetings, time, place, and manner. So the board can regulate the time. In this case, the board wasn't regulating. You heard uncontradicted testimony that one woman came up and called -- wasn't addressing the policy, wasn't addressing the board. She's inciting the rest of the audience, who she knows is against this transgender policy and the critical race theory, calls them all haters of Jesus and a hate-filled room. What do you expect when the chair doesn't

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even dress her down or tell her to stop? But yet, the moment people boo, she gets mad at them for saying that.

The time for public comment is to address public policy on the political issues. So I would submit, Your Honor, the board is stuck with this. They're the ones that did this. You know, they have to hear public comment. They may not like it but if they set aside that public comment period, it's a designated public forum. The First Amendment attaches with all of its restrictions.

So based on that, Your Honor, I would ask the Court to strike the Commonwealth's evidence and find -- and dismiss this case.

THE COURT: Ms. Biberaj?

MS. BIBERAJ: Judge, the reason why we're here is because Mr. Tigges was on the property of the school board and was asked to leave as one of many attendees. He chose to not leave. This convolution of what the issues are, so whether or not this is an unlawful assembly,

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that's not really an issue before the Court, whether it was a lawful or unlawful assembly.

The statute is very clear, which says, it is unlawful for any person, herein, it is Mr. Tigges, to remain on school property belonging to the Loudoun County Public School System in violation of any direction to vacate the property by the property. That was done four times, by a person authorized to give such direction. That was Dr. Ziegler. Those are the elements of the trespass statute. Each of those elements have been met beyond a reasonable doubt, not only to survive a motion to strike but on any level.

The fact that this public comment was a basis by which people were invited to come to speak before the school board existed. They were not squashed for their ability to be able to do it, just the public comment had been terminated because of the behaviors within the audience. That is at the right of the school board but yet again, that is not the issue before Your Honor. It is the trespass. The trespass, all the

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elements have been met and I would suggest to the -- Your Honor that the comment made by Counsel as far as us not showing any portion of the video, no offense, we showed to which to establish our case. They are given the opportunity if they wish to put on a defense. They don't have that burden, but they have that invitation. So I would ask the Court to focus on what the issue is and what the offense alleged, which is the trespass. Thank you, sir.

THE COURT: Anything further on your motion?

MR. KACHOUROFF: Very briefly. Any direction by a person authorized. That's what 128, Subsection -- Paragraph B talks about. Well, the superintendent admitted because I asked him the question point blank, do you control the board meetings? No, I do not. Do you control the boardroom and the board meetings when they're in session? No, I do not. He was not authorized. He said the board didn't tell him to do it, so he couldn't have been the person authorized to tell

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the public they needed to leave a public meeting.

Now keep in mind, granted, they could have stopped the public comment but there was still a public meeting and the public had a right under the Virginia FOIA Act, the Open Meetings Act that it could attend. That's an open meetings violation to prohibit the public from going in. So they have every right, unless the board meeting was terminated altogether, which it wasn't. It was in recess, just like you took a recess. And they were supposed to come back, so you just can't have people exit, especially when, Judge, all this talk about all the training for de-escalation.

There was not a single warning that, hey, guys, they're going to ask you to leave. I need you to be respectful and quiet. There was none of that announced over the PA. They took the quick and fast opportunity to come out and say unlawful assembly. They said it four times and now they're trying to back away from it. They know because they're caught. For that reason, I would ask the Court to dismiss this case.

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THE COURT: The Court finds that the Commonwealth has made a prima facie case in the light most favorable to the Commonwealth consistent with the requirements of 18.2-128B. The officers were authorized and they were telling the people to leave as well and it was that authorization in part that the Court considers in denying your motion to strike.

Do you wish to present any evidence?

MR. KACHOUROFF: No, Your Honor. I would renew my motion at this time under the standard of beyond a reasonable doubt with the contradictions you've heard, was there a reasonable doubt as to whether he should be allowed to remain there, whether the superintendent was a person that was authorized to do so.

You say the officers all told him to leave. All right. Just because an officer is giving you an unlawful order doesn't mean -- you suffer the consequences if the Court later determines it to be lawful, but if it's an

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unlawful order and you resist peacefully, you're entitled to do that and the officer may indeed be wrong. I think the officers are trying to do their job with respect to following what the school board and what the superintendent were trying to accomplish, so I don't -- you know, when the officer says, please leave, that's not the standard by which we convict somebody for trespassing.
I mean, the officer has to have -- if he's getting direction from the person authorized, you have to be authorized to do that, so we go right back to the heart of the issue. I won't repeat it again for Your Honor, but it's -- I went over the First Amendment issue ad nauseum.
THE COURT: The Court finds that Major McDonald was in concert with the school officials and had the authority to tell those people to leave. They were working on that back and forth.
MR. KACHOUROFF: Well, Judge, I apologize.
THE COURT: The board --

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MR. KACHOUROFF: The school board isn't the school officials. The school board's an elected body. The superintendent has -- he takes direction from the school board but he says he acted on his own. He can't do that. It's a school board meeting. It's a public meeting. He has no authority as a superintendent to govern a public meeting, zero.
THE COURT: He has authority to administer the billet, which is what he testified to. He has the authority to do that and he had authority when working with police for -- under exigent circumstances for welfare and safety of the people at the meeting to ask them to leave the building and within the earshot of that was the Defendant, who was told, you can continue outside. That's on the video.
MR. KACHOUROFF: Yeah, but he wasn't told that, number one.
THE COURT: It's within -- it was audible from where he was.
MR. KACHOUROFF: Right. But just so

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we're clear, it's still a public meeting. And so the question is why was the room -- you're saying because of safety issue, well, you're invoking the unlawful assembly (indiscernible).
THE COURT: I am invoking the requirements of the statute.
MR. KACHOUROFF: Well, they can't -- they're not authorized to do it. That's the point. Just because he's authorized at large to manage the buildings -- in other words, you've just said, Your Honor -- and consider this, respectfully, that the superintendent, despite a board meeting, can withhold -- can stop the public from going in because he has the power to administer the school board or the buildings. He doesn't have that power.
When the school board acts, they sit in a session in the school boardroom. It's not even -- I mean, it may be attached to the admin buildings, but it's a school board dais. That's what it's there for. It's for the public to come and listen. That's why it was designed. So if

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we're going to talk about danger, if we're going to talk about safety matters, the general assembly has already put that in plain language in the statute, and that's under the unlawful assembly statute, 460.
Otherwise, under this interpretation, we would never use unlawful assembly ever again to get people to clear a room. That's the whole point of the unlawful assembly. You have no longer the right to assemble. It has now become unlawful. And when is that? When 460 tells you, three or more persons. They haven't shown three or more persons. At most, they've shown one. That's the point.
THE COURT: Do you want to respond?
MS. BIBERAJ: I do, Judge. Thank you. Judge, Dr. Ziegler testified that he is the CEO of Loudoun County Public Schools and is in charge of the day-to-day operations. As far as this being a board meeting, which is with the board members, that is what their function is, as far as being able to administer that public meeting.

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The tenor changed when safety became an issue. And we saw on the video, this was after the fourth time that people have been asked to leave, and you saw there were still throngs of people there, and they had no hesitation to being confrontational with the law enforcement officers. Here's a situation where what ends up happening is that the actions within the meeting made it such that they were not going to allow any more public comment within.

Once the public comment was over, they did shut it down because people were standing on chairs, people are yelling and screaming at one another. There's a large number of people. That was the safety issue that -- the determination that was made. People were given numerous opportunities to leave. The direct question was made to Mr. Tigges, are you going to leave without being arrested? And what's your end game? I'm not leaving without being arrested.

MR. KACHOUROFF: Not true.

MS. BIBERAJ: That's what the Sergeant

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testified to. On the video, the Sergeant asks him, sir, Jon, are you willing to leave? No. You will be arrested for trespass. Okay. Officer, please arrest him. This was clear notice to him as to his right to be in that facility was no longer a right that he had because it was -- the invitation had by then been revoked.

And we have that in every business. If you go to a business that's a public business, you are allowed to be there until the person who's in a position of authority says, no longer. In concert with law enforcement, the determination was made that this was no longer a safe situation to continue with. That's why there was a delay of 20 to 30 minutes was also to allow people to speak, to kind of get it out of their system, to walk out, and to allow law enforcement to come in to be able to help direct that.

Everything was done right by the -- Dr. Ziegler. Everything was done right by law enforcement to say, we've just got to move this outside and we're not shutting you down. The

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public comment in front of the school board may be one thing, but the school board was no longer on the dais. So the public comment was just being moved to the outside and they were welcome to do that. You heard Major McDonald say, you can take it outside and you can talk outside. Just go on. Let's go. We've got to go out and leave the room.

I don't know how much more notice could have been provided. I don't know how much more the law enforcement could have done to be able to say, this is no longer appropriate in here. So it was on the trespass issue, this idea that we're just going to throw in the unlawful assembly, that was the words that Dr. Ziegler choose. He said, I just misspoke on that, but the notice is very clear. You are not allowed to be here any longer. Otherwise, you run the risk of being arrested. That's what trespass requires, notice. Notice was very clear.

MR. KACHOUROFF: If I may respond briefly. It's my motion.

THE COURT: Okay. Well --

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MR. KACHOUROFF: Last word, right.

THE COURT: Well, on your motion, you do get --

MR. KACHOUROFF: Correct, correct. So the day-to-day affairs of a CEO don't -- do not include telling shareholders how to run their meeting or has nothing to do with the shareholders. The shareholders here are the school board. They operate on their own meeting, their own assembly, like a little general assembly right there. You know, and the school board executive, being the superintendent, has no right to tell them what to do at all, and that hasn't been established.

If we're going to get technical, I haven't heard one single statute saying that the superintendent -- one single Virginia regulation saying that the superintendent had a right to do what he did, zero. So that day-to-day operations, I think, is crazy. And just moments ago, she said, well, they could have taken it outside. That's not the point. Regardless of the public

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comment, they had a right to be in a public meeting. That's part of the Virginia FOIA statute, the open meeting violation, so that alone, that shows you the weakness of the case. Judge, you can't order people outside. You can end public comment. I get it.

Now that's going to -- that's a completely different issue at this point whether they could or couldn't, but the point is they shut down the entire meeting, the entire public meeting for the public. They were no longer allowed in to observe the board. Now you also heard Major McDonald say, he stayed behind not for the purpose of securing the board, but to listen to an issue the board was going to talk about. So he could sit there as a member of the public and do it, but the rest of the people could not. Why? Because they had shut down the public participation. They'd shut down public access to that room and they should not have.

THE COURT: The Court believes from the totality of the evidence that the requirements of

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18.2-128B have been fulfilled, and the Court finds the Defendant guilty of the offense and imposes a $500 fine with $400 suspended, conditioned on his good behavior for the next 12 months of unsupervised probation. That's a final order. You have a right to appeal this decision within ten days.

MR. KACHOUROFF: Thank you, Your Honor.

MS. BIBERAJ: Thank you for your time, Judge.

THE COURT: Thank you.

(Off the record at 12:15 p.m.)

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Brendon Cuenca, the officer before whom the foregoing deposition was taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of October 2021.

_____

Brendon Cuenca, Notary Public
for the State of Maryland

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CERTIFICATE OF TRANSCRIBER

I, Teresa R. Salazar, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Teresa R. Salazar

_____

Teresa R. Salazar
October 3, 2021

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EXHIBIT H

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LOUDOUN COUNTY PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT
21000 Education Court
Ashburn, Virginia 20148
(571) 252-1020

Scott Ziegler, Ed.D.
Superintendent

Sheriff Mike Chapman,

We are committed to providing our community with good, solid information as we work to provide all students with a safe learning environment.

With that in mind, we are writing to address what may be inaccurate information that was shared at the Board of Supervisors meeting on November 3, and reported in the media last evening.

Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult.

During the quarterly crime update to the Loudoun County Board of Supervisors on November 3, Col. Mark J. Poland of the Loudoun County Sheriff's Office suggested that your offices notified the Loudoun County Public Schools of charges in the Stone Bridge High School sexual assault case. The question-and-answer with the Board of Supervisors and Sheriff's Office went as follows:
Dulles District Supervisor Matthew Letourneau asked Col. Poland of the Loudoun County Sheriff's Office: "I'm just gonna ask, straight up, could you tell us if the Sheriff's Office did, in fact, notify Loudoun County Public Schools when the individual was charged?"

Col. Poland answered: "To answer your question, they were notified. They were absolutely notified."

At this point, LCPS cannot confirm that we have received the required notification of charges from the Loudoun County Sheriff's Office regarding this case.

We request that LCSO forward a copy of the notification of charges, the date it was sent, and to whom it was addressed, directly to the superintendent and principal of Stone Bridge High School, as required by the Code of Virginia. Moving forward, we need a clear understanding of who in the Loudoun County Sheriff's Office will be responsible for communicating this required information with the superintendent and building principal.

We believe our partnership with LCSO is critical in ensuring a safe environment in our schools and overall community.

Best,

Dr. Scott A. Ziegler
Superintendent

Cc: Loudoun County School Board
Loudoun County Board of Supervisors
Col. Mark J. Poland, Loudoun County Sheriff's Office

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EXHIBIT J

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Sheriff Michael L. Chapman

LOUDOUN COUNTY SHERIFF'S OFFICE

P.O. Box 7200, Leesburg, Virginia 20177-7200
803 Sycolin Road SE, Leesburg, Virginia 20175
Telephone 703-777-0407

November 10, 2021

Dr. Scott A. Ziegler
Superintendent
Loudoun County Public Schools
21000 Education Court
Ashburn, VA 20148

Dear Dr. Ziegler,

This letter is in response to correspondence I received from you on Friday, November 5, 2021 (Attachment #1). In your letter, you state that Loudoun County Sheriff's Office (LCSO) Colonel Mark Poland shared what "may be inaccurate information" to the Board of Supervisors at the November 3, 2021, meeting regarding a sexual assault that occurred at Stone Bridge High School on May 28, 2021. You detail a response by Colonel Poland to Supervisor Matt Letourneau's question as to whether Loudoun County Public Schools (LCPS) was notified of the arrest of the individual who committed the offense. Colonel Poland's response was, "They (LCPS) were absolutely notified."

You fixated your question on whether the arrest notification was made specifically by the LCSO – not on whether you had received "official notification" of the subject's July 9, 2021 arrest. Nothing in your letter addresses the following facts:

- That you knew of the alleged sexual offense the day it occurred.
- That despite a public statement at a School Board meeting on June 22, 2021 denying any knowledge of sexual assaults in any LCPS bathrooms, you sent an email on May 28, 2021 to members of the School Board advising them of the incident – thus invalidating your public statement (see Attachment #2).
- That LCPS was aware of the offense the day it occurred, and an official notification of the suspect's July 9, 2021 arrest was made to LCPS by Juvenile Intake as required by law.
- That LCPS was aware of the Juvenile Intake, Commonwealth Attorney, and Judicial process throughout this case.
- That despite knowing the serious nature of the offense, LCPS decided to place this individual back into (another) high school population.
- That the consequences of that decision resulted in a second student being victimized by the same defendant.

To address your concern more clearly, it is important to recognize Code of Virginia requirements and its application, as well as the sequence of events. You state, "Per the Code of Virginia, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such report, on **offenses**, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult." Unfortunately, two critical points were omitted from your letter.

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- The section you refer to, *Code of Virginia §22.1-279.3:1*, stipulates "offenses," not arrests. This offense was reported to the LCPS the day it occurred as evidenced by your email on May 28, 2021. You were unmistakably aware of the offense as you personally reported it to the School Board that same day.
- You failed to articulate that the July 9, 2021 arrest did not occur on LCPS grounds, but at Juvenile Intake while school was on summer recess. All investigations involving minors, that involve Juvenile Intake during the process (as did this case), **require** that Juvenile Intake provide notification to the LCPS regarding certain arrests (sexual assaults included). This is stipulated in §16.1-260 Section G of the Code of Virginia which states, "the intake officer **shall** file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court."

This process was properly followed as evidenced by the timeline of communications below:

- Just prior to the July 9, 2021 arrest, case investigator Detective Czekaj of the LCSO Special Victims Unit, communicated with Mr. Jason Bickmore of the Loudoun County Juvenile Court Service Unit (JCSU). She asked if "we" (LCSO) should make the arrest notification to LCPS. Mr. Bickmore advised that JCSU would make the notification as it is their responsibility to do so. In a post-arrest conversation between Detective Czekaj and Mr. Bickmore, Mr. Bickmore confirmed the notification was sent by letter to LCPS, which LCPS could then disseminate for safety purposes.
- On October 27, 2021, conversations about this case occurred between Sergeant Promisel and Mr. Bickmore (JCSU). On that date, Mr. Bickmore advised Sergeant Promisel that he was "surprised" that LCPS, in conjunction with the Commonwealth Attorney's Office, had determined to place the defendant in another school.
- The fact that all required notifications were made to LCPS was further validated on October 28, 2021, by Greg Davy, the Virginia Department of Juvenile Justice Public Information Officer, who was quoted by WTOP stating, *"notifications required by 16.1-260G of the Code of Virginia are met in the Loudoun District Court Service Unit by mailing a hard copy notification letter to the office of the District Superintendent of Schools."* It is critical for arrest notifications to be made under this Virginia law, by the JCSU, as many incidents involve arrests made by outside jurisdictions other than where the offender resides. Therefore, the JCSU, which is considered a state agency, can assure notifications are made to the proper school system.
- On October 28, 2021, Lieutenant Colonel Bobby Miller confirmed with Mr. Ira Holland, Director of Loudoun County Juvenile Court Service Unit, that a notification was made to LCPS. Mr. Holland stated, *"we followed the law."*
- Finally, on November 8, 2021, Mr. Bickmore informed Sgt. Promisel, that in late August 2021, he had conversations with both Mr. Doug Fulton, Director of School Administration, and Mr. Dave Spage, the Principal of Broad Run High School, regarding the defendant's court-ordered disposition.

The sequence of events and review of applicable Virginia Codes clearly demonstrate that you and your leadership staff at LCPS were aware of the offense; the suspect's arrest; and the judicial process involving the Commonwealth Attorney's Office, Juvenile Intake, and Juvenile Court from the time of the original sexual assault to the time of the defendant's conviction. Despite that, LCPS opted to place this individual in another school where a second sexual assault allegedly occurred. If there were any lapses in

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communication directly to you throughout this process that impacted your decision making, it would seem it occurred within LCPS' own administration.

Finally, I noticed that you commissioned an "independent" review, which I assume will be paid for by the LCPS using Loudoun County taxpayer dollars. You announced this a day after incoming Attorney General Jason Miyares stated publicly that he intends to investigate this incident. While I believe an independent review would be helpful, I have concerns of the legitimacy of such a review conducted at your direction. As the Attorney General is accountable to the citizens of Virginia, I feel an Attorney General review is the most objective way to move forward on this issue.

Please feel free to contact me if you have any questions or concerns. Thank you.

Sincerely,

Michael L. Chapman
Sheriff

cc: Loudoun County Public Schools School Board
Loudoun County Board of Supervisors

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EXHIBIT I

AMERICAN OVERSIGHT

From: [redacted]
Sent: Friday, March 12, 2021 9:55 PM
To: Atoosa Reaser <Atoosa.Reaser@lcps.org>; scott.ziegler@lcps.org <scott.ziegler@lcps.org>
Cc: mike.chapman@loudoun.gov <mike.chapman@loudoun.gov>; stephen.devita@lcps.org <stephen.devita@lcps.org>; Brenda Sheridan <brenda.sheridan@lcps.org>; ian.serotkin@lcps.org <ian.serotkin@lcps.org>; jeff.morse@lcps.org <jeff.morse@lcps.org>; harris.mahedavi@lcps.org <harris.mahedavi@lcps.org>; leslee.king@lcps.org <leslee.king@lcps.org>; john.beatty@lcps.org <john.beatty@lcps.org>; bos@loudoun.gov <bos@loudoun.gov>
Subject: Teacher bashing parents

Atoosa and Dr. Ziegler,

There is a group on Facebook called Anti-Racist Parents of Loudoun County.

As you can see in one post below, Beth Barts, not acknowledging she is not speaking on behalf of the board, started a frenzy of a conversation.

Soon thereafter, the other post and comments below began from this [redacted], better known as [redacted], a teacher at [redacted], to go after parents she "thinks" are against CRT.

This is not ok, by anybody, but from a teacher is unexceptionable. A student would be in trouble for this. Why isn't a teacher held accountable? Honestly, this post is beyond scary and disturbing. My heart has been pounding since this was brought to my attention. Are they coming after me because of my view they don't even know about? Do I need to keep guard at my front door? Maybe I should consider myself lucky because they don't know my "legal" name.

This needs to stop. This teacher threatening parents, to the point one just told me she has to tell her HR on Monday in fear of losing her job, is not ok.

I can't beg you enough; please make her stop. She is a teacher. And the fact that there are other board members in this group not putting it to a stop is shameful.

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Exhibit J

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PROFESSIONAL CONDUCT

The Loudoun County School Board expects all staff, as public employees, to recognize that they are in a position of public trust and are held to the highest standard of personal and professional conduct, serving as role models, influencing and shaping young lives, and representing the school division. It is the policy of the School Board to promote and foster work and educational environments that demonstrate the principles of respect, professionalism, civility, and inclusivity.

As stewards of the school division, employees are expected to convey these principles to students, parents, colleagues, and the school community through their actions and day-to-day activities during and after school or work hours, whether on or off school board property, including the property of any school, office, or facility. As public employees, it is important that employees are mindful of the potential impact of their behaviors and actions that occur outside of their job responsibilities and work hours.

A. Expectation of Professionalism. Employees are expected to perform all assigned job duties in accordance with performance standards and job-specific requirements (to include attendance-related policies, procedures, and guidelines). Employees are expected to conduct themselves professionally, to treat all individuals with dignity, respect, and civility, and to demonstrate a commitment to an inclusive, safe and supportive work and educational environment where individuals from diverse backgrounds work together to pursue the shared mission of the school division. Unacceptable behavior includes but is not limited to:

1. Bullying behavior against staff or students as defined in School Board Policy 7014 (Environments Free From Harassment, Discrimination, and Abuse) and School Board Policy 8250 (Bullying Prevention and Education);
2. Acts of physical violence or threats of violence or harm towards others;
3. Theft of any kind;
4. Shouting, yelling, or raising one's voice in a hostile, angry, or threatening manner;
5. Intentionally damaging school board or privately-owned property, or acts of negligence that result in damage to property;
6. Disrespectful, discourteous, uncivil, disparaging, or demeaning words, gestures or actions;
7. Using, selling, dispensing, possessing, manufacturing, or being under the influence of illegal drugs and narcotics or alcohol as defined in School Board Policy 7550 (Drug- and Alcohol-Free Workplace); or
8. Failure to adhere to School Board policies and regulations, state and federal laws and regulations, and school- or department-based procedures and guidelines.

B. Commitment to Equitable Treatment. The Loudoun County School Board is committed to an equitable and inclusive work and educational environment for employees and students. As outlined in the Superintendent's Statement on Equity, Loudoun County Public Schools reject racist and other racially motivated behavior and language, recognizing

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that it encourages discrimination, hatred, oppression, and violence. Employees are expected to support the school division's commitment to action-oriented equity practices through the performance of their job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language and actions motivated by race, religion, country of origin, gender identity, sexual orientation, and/or ability. Behavior that will not be tolerated includes but is not limited to:

1. Harassing or discriminatory comments or conduct including speech or other telephone, electronic, or social media communication that:

   a. is motivated in whole or in part by a bias against an individual's race, national origin, ancestry, color, sex, sexual orientation, perceived sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, marital status, age, religion, disability, genetic information, or veteran status; or

   b. can reasonably be interpreted as discriminatory, racially or ethnically derogatory, defamatory, or as undermining the views, positions, goals, policies or public statements of the Loudoun County School Board or its Superintendent when such comments or conduct create the reasonable apprehension of a disruption or disrupt the operations or efficiency of LCPS.

2. Use of racial insults or slurs regardless of intent. For example, it is unacceptable to use a racial insult or slur in responding to or addressing a situation in which an individual has used a racial insult or slur.

3. Any comments or actions that are not in alignment with the school division's commitment to action-oriented equity practices, and which impact an individual's ability to perform their job responsibilities or create a breach in the trust bestowed upon them as an employee of the school division. This includes on-campus and off-campus speech, social media posts, and any other telephonic or electronic communication.

C. Recognition of Appropriate Employee-Student Boundaries. Employees are expected to establish and maintain appropriate physical, social and emotional boundaries with students. Unacceptable behavior includes but is not limited to:

1. Grooming, Sexual Misconduct, and Sexual Abuse. Grooming is a method used by adults that involves building trust and/or attempting to build trust with children and/or adults for the purpose of developing an inappropriate relationship. Grooming, sexual misconduct, and sexual abuse are egregious breaches of an educator's professionalism and duty to protect children and are strictly prohibited.

   a. Per School Board Policy 7530 (Duty to Report Child Abuse and Neglect), allegations of behaviors that constitute grooming, sexual misconduct, or other forms of abuse or neglect must be reported to

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Child Protective Services (or Adult Protective Services, as applicable) and appropriate law enforcement agencies.

b. Behavior that violates this policy includes but is not limited to the following:

(i) Sexual or romantic invitations to students;
(ii) Dating students or soliciting dates with students;
(iii) Engaging in sexualized dialogue with students;
(iv) Making suggestive comments to students or in the known presence of students;
(v) Physical exposure of a sexual, romantic, or erotic nature;
(vi) Self-disclosure of a sexual or erotic nature to students or in the known presence of students; or
(vii) Sexual contact or inappropriate overtures to students whether they be physical, verbal, non-verbal, written or electronic.

c. Engaging in an intimate, romantic, or sexual relationship with a student after the student's graduation, combined with credible allegations of engaging in grooming behaviors with the student before graduation, will result in an investigation. Substantiation that such grooming behaviors occurred before the student's graduation will lead to disciplinary action up to and including termination.

2. Inappropriate or Intimate Social Relationships and Communication. The boundary of the employee-student relationship must be maintained at all times. Examples of behaviors that constitute an inappropriate or intimate social relationship or communication with a student include but are not limited to:

a. Conversations and comments of an intimate, romantic, or sexual nature;

b. Commentary on a student's physical appearance or clothing that could reasonably be interpreted as sexual, flirtatious, or harassing;

c. Physical contact with students that could reasonably be interpreted as sexual harassment or as having sexual or flirtatious intentions;

d. Telephonic or electronic communication, including social media contact, unrelated to school activities to include but not limited to connecting with, following, or friending students via social media or email accounts;

e. Prolonged, frequent, or private contact between an employee and student during or outside school hours that is unrelated to academics or school activities;

f. Singling out students for flirtation, friendship, or personal attention beyond the bounds of the employee-student relationship;

g. Singling out students for receipt of gifts;

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h. Transporting students in personal vehicles without the knowledge of a parent/guardian or a supervisor, outside of case-by-case approval by a supervisor for an exception to transport the student in the event of an emergency or unusual circumstance; or

i. Entering the home of a student without the knowledge of and presence of a parent/guardian.

All forms of contact and communication with students must be transparent, accessible to supervisors and parents, nonsexual, unambiguous in meaning, and professional in reference and content. If an employee feels that a student is contacting or engaging with them inappropriately or that the student is attempting to blur the line of their relationship, the employee will seek immediate guidance from their supervisor.

D. Duty To Report. Employees with supervisory responsibilities are expected to encourage professional, respectful, civil, equitable, and inclusive work and educational environments for employees and students, and to address issues of unprofessionalism. Employees who feel they have been subjected to conduct that may violate the expectations outlined within this policy, or who have witnessed such conduct, should notify their supervisor immediately. Students who feel they have been subjected to conduct that may violate the expectations outlined in this policy, or who feel they have witnessed such conduct, should notify a building administrator, school counselor, or the Department of Instruction's School Administration Office.

1. If the concern is about the employee's supervisor, the employee will report the complaint to the supervisor's supervisor, department head, or the Department of Human Resources and Talent Development.

2. Employees must also ensure they are following reporting requirements outlined in other relevant School Board policies to include but not limited to School Board Policy 7530 (Duty to Report Child or Student Abuse and Neglect) and School Board Policy 7550 (Drug- and Alcohol-Free Workplace). Any employee who becomes aware of sexual harassment by any means is obligated to immediately report it to their supervisor who will, in turn, report the matter to the Title IX Coordinator. Failure to follow reporting requirements is considered a violation of this policy.

3. Employees are also encouraged to report violations of LCPS's commitment to equitable treatment of students and staff to their immediate supervisor or principal.

E. Protected Speech. Nothing in this policy or any other policy shall be interpreted as abridging an employee's First Amendment right to engage in protected speech, however, based upon an individualized inquiry, speech, including but not limited to via social media, on matters of public concern may be outweighed by the school division's interest in the following:

1. Maintaining efficiency of the school system;

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2. Preventing disruption or a reasonable apprehension of a disruption of the learning and working environment;

3. Maintaining public trust and confidence at all times;

4. Fostering close personal relationships among and between staff and parents;

5. Promoting internal LCPS and external community harmony and peace; and

6. Establishing and maintaining a tranquil learning and working environment.

7. Achieving consistent application of the Board's and Superintendent's stated mission, goals, policies and directives, including protected class equity, racial equity, and the goal to root out systemic racism.

F. Provision Against Retaliation. Employees are prohibited from retaliating against an individual for raising concerns of potential violations of this policy. Individuals who knowingly make false complaints under this policy are subject to disciplinary action. Reasonable, good faith beliefs that this policy has been violated will not result in discipline if the concerns raised are later proven untrue.

Adopted: 10/10/72
Revised: 6/22/93, 4/26/16
Current Revision: xx/xx/xx

Legal Refs: § 22.1-291.4, § 1-276.01

Cross Refs: Policy 7014, Environments Free From Harassment, Discrimination and Abuse, Policy 7016, Employment Complaints, Policy 7312, Evaluation of Licensed, Classified, and Administrative Staff, Policy 7530, Duty to Report Child Abuse and Neglect, Policy 7550 Drug- and Alcohol-Free Workplace, Policy 8250, Bullying Prevention and Education, Duty to Report Sexual Harassment as provided by Title IX Regulations, 34 C.F.R. Part 106.

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EXHIBIT K

AMERICAN OVERSIGHT

From: Sullivan, Christy [VA]
To: Scott Ziegler
Cc: Sandy Sullivan; Byrd, Kelly [VA]; Sullivan, Christy [VA]
Subject: [EXTERNAL] RE: Regulations 7560 and 7030
Date: Thursday, October 1, 2020 9:23:33 AM

Scott,

How soon do you think we can get a copy of the staff changes to Policy 7560? We would like to review it tomorrow prior to the School Board meeting on Tuesday.

Also, we would appreciate a written reply to the email we sent you last Thursday.

Thank you.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA] <CSullivan@veanea.org>
Sent: Thursday, September 24, 2020 3:50 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Byrd, Kelly [VA] <Kbyrd@veanea.org>; Sullivan, Christy [VA] <CSullivan@veanea.org>
Subject: Regulations 7560 and 7030

Scott,

I am responding to the statements you made about LEA during the School Board meeting on Tuesday. LEA did not receive proposed Policy 7560 ahead of time. LEA has always received all proposed Policies the same day immediately after they are sent to the SB HRTD committee. That has not been happening lately. You, Jeff Morse, and I even had email conversations about making sure that happened. Kelly was at the virtual SB HRTD meeting; the Policy was not discussed prior to public comments. You and I **briefly** talked about the Policy during a conversation about an HRTD employee issue. I stated LEA has seen cases in many of the areas cited in the Policy and that I hoped it would help. I don't believe Kelly or I said the policy was favorable. When a proposed policy comes out, Kelly, Sandy, and I review the Policy and get feedback from members. Sandy brought that feedback to the School Board meeting on Tuesday. At no time did LEA provide feedback and state this Policy was fine.

LEA does have concerns, the same concerns brought forward by School Board members at their last meeting. LEA agrees with Ms. Barts and Mr. Serotkin about Section 2 on page 3 not being clear

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enough for parents and students whose family are friends or friends with their own children. Ms. Corbo asked question on the other item LEA is concerned about. Section E, on pages 4 and 5 on Protected Speech, has brought forth a lot of emails from our members. The word **HOWEVER** at the end of line 173 makes it sound like employees have first amendment rights **HOWEVER** their first amendment rights might be outweighed by the school division's interest in the following, which goes on to seven additional points. The way this is written looks like LCPS is trying to limit what employees can talk about, even on matters of public concern. This section needs much clarification for employees to believe LCPS is not attempting to remove their Constitutional Right to free speech.

We would appreciate seeing the changes being made by staff prior the School Board taking action on the Policy at their next meeting.

Additionally, I sent you an email on August 21 (see below) with feedback on Regulation 7030 and I have yet to receive a response. We look forward to your response on Regulation 7030.

Scott, we may not always agree on wording. It is our hope LEA will receive a copy, which has been practice for a long time, of all proposed policies the same day they go the School Board or the SB HRTD committee. Timeliness will give LEA a few days prior to Policies being discussed at School Board meetings.

We look forward to your response.

Christy W. Sullivan
UniServ Director
Loudoun Education Association
19465 Deerfield Ave, Suite 206
Lansdowne VA 20176
703.858.7700
csullivan@veanea.org

From: Sullivan, Christy [VA]
Sent: Friday, August 21, 2020 3:07 PM
To: Scott Ziegler <Scott.Ziegler@lcps.org>
Cc: Sandy Sullivan <president@loudounea.org>; Kelly Byrd - VEA (Kbyrd@veanea.org) <Kbyrd@veanea.org>; Christy Sullivan <csullivan@veanea.org>
Subject: Regulation 7030

Scott,

Thank you for your explanation of the Regulation 7030 during our conversation yesterday. We are very concerned this was released during a pandemic when most employees are teleworking and there is no distinction in the regulation as to whom the new telework section applies to.

We do have some questions/concerns to share with you:

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D.1.a. Will all eligible positions *immediately* have the telework designation in their job description?

D.4.k. We have received the most complaints about the first sentence in k. Employees feels this statement is condescending and not necessary. Many teachers have wondered if this applied to them during the pandemic. Thank you for clarifying it does not. However, we would like the first sentence struck from this paragraph. It is condescending and unnecessary.

Please send us a copy of the telework agreement the employee and supervisor would sign.

I would appreciate your agreement that school-based positions are covered under section E. and not section D.

Why was this regulation released right now? It certainly has stirred up a hornet's nest since employees believe the entire regulation applies to them (including school-based employees).

I look forward to your reply; it will help us clarify this regulation when employees contact the LEA for clarification.

Christy W. Sullivan
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Exhibit L

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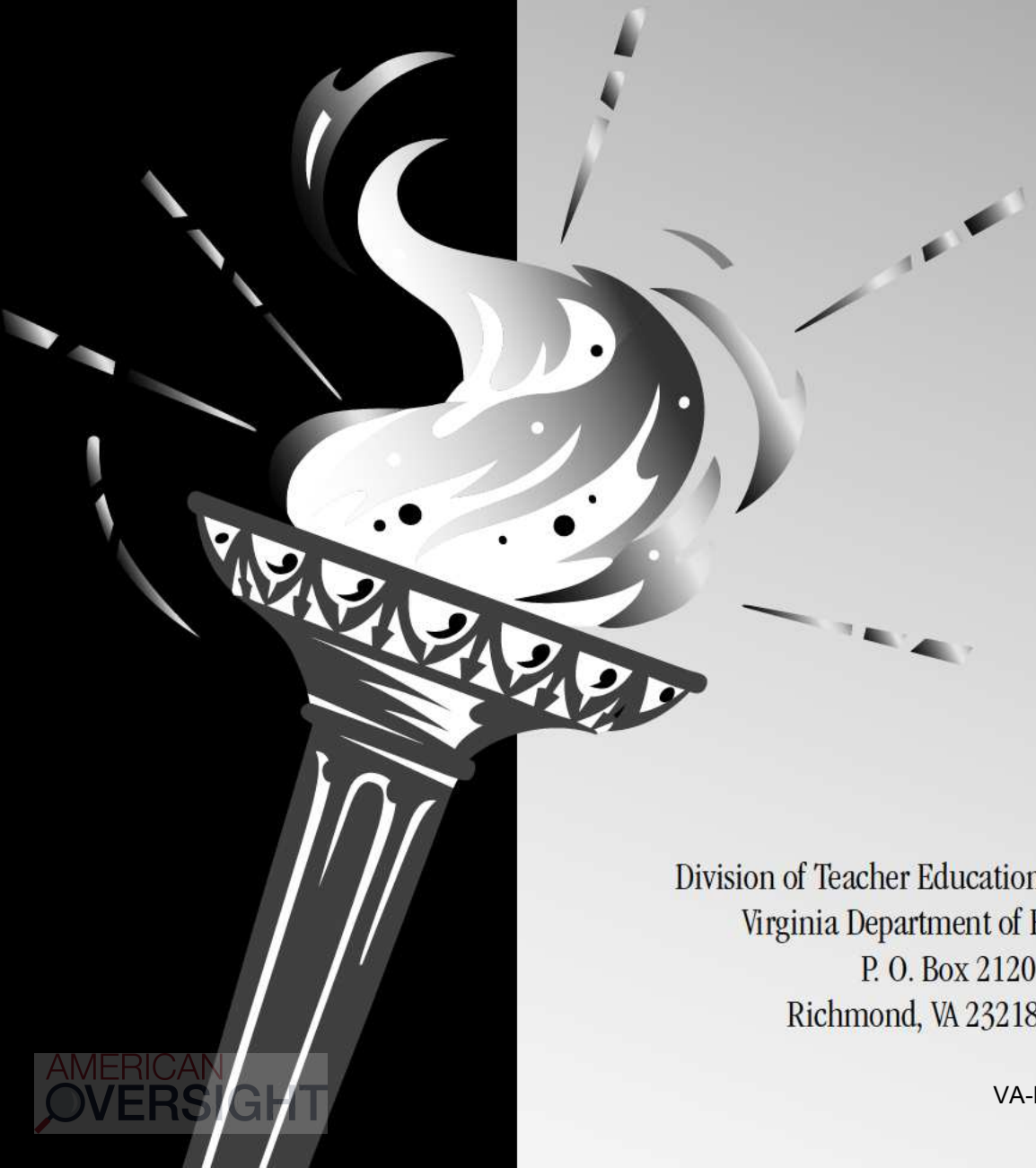
Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents



Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

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VA-DOE-22-0316-B-001778

Guidelines for UNIFORM PERFORMANCE STANDARDS and Evaluation Criteria for Teachers, Administrators, and Superintendents

Guidelines Developed in Response to
Education Accountability and Quality Enhancement Act of 1999
(HB 2710 and SB 1145)

Adopted by the Virginia Board of Education
January 6, 2000

Division of Teacher Education and Licensure
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

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Foreword

Recent education reform efforts in Virginia include: (1) the revision of the Standards of Learning in four basic subject areas—English, mathematics, science, and history and social science, (2) implementation of new tests to assess the performance of students, schools, and school divisions, (3) revision of the state's standards of accreditation to establish clear expectations and consequences for students and school performance, and (4) the development of a school report card. These reform efforts clearly effect the role and expectations of teachers, administrators, and superintendents. The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents* were developed as a result of the Virginia education reform efforts and the 1999 Education Accountability and Quality Enhancement Act (HB2710 and SB1145) approved by the Virginia General Assembly and signed into law by Governor Gilmore.

These guidelines provide the framework for school divisions to use to develop evaluation criteria for teachers, administrators including instructional central office personnel and principals, and division superintendents. They are intended to provide guidance for school boards in the development of evaluation policies and procedures. Through these guidelines, the role and expectations of those individuals having the most effect on student learning and achievement will become clearer. They also provide continuity between the roles of teachers and administrators and their impact on student achievement.

It is anticipated that the Department of Education will continue the next phase of this initiative by developing prototype instruments in the three areas. These sample instruments may be used to guide school division personnel in designing evaluation tools for annual personnel performance. In the meanwhile, as you review and use The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents*, please inform us of comments that may enhance this effort by contacting the Division of Teacher Education and Licensure, Virginia Department of Education, at (804) 371-2522.

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VA-DOE-22-0316-B-001781

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Acknowledgments

Personnel in the Virginia Department of Education acknowledge with appreciation the contributions of many educators in developing the Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents. The Department of Education also acknowledges the exemplary work of the Advisory Committee on Teacher Education and Administrator Evaluation representing division superintendents, principals, teachers, school division central offices, higher education, school boards, and professional organizations.

Appreciation is extended to Susan T. Noble, member of the Board of Education and Board of Education Liaison to the Advisory Board on Teacher Education and Licensure, for her contributions in the development of the guidelines. Special thanks also go to James H. Stronge, Heritage Professor, Educational Policy, Planning, and Leadership, School of Education, The College of William and Mary; Pamela Tucker, Assistant Professor, Department of Leadership, Foundations, and Policy, University of Virginia; and Michael DiPaola, Associate Professor, Educational Planning, Policy, and Leadership, School of Education, The College of William and Mary, who served as facilitators for the task force in developing the proposed guidelines.

Questions or inquiries about this document should be directed to Dr. Thomas A. Elliott, Assistant Superintendent, Division of Teacher Education and Licensure, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120.

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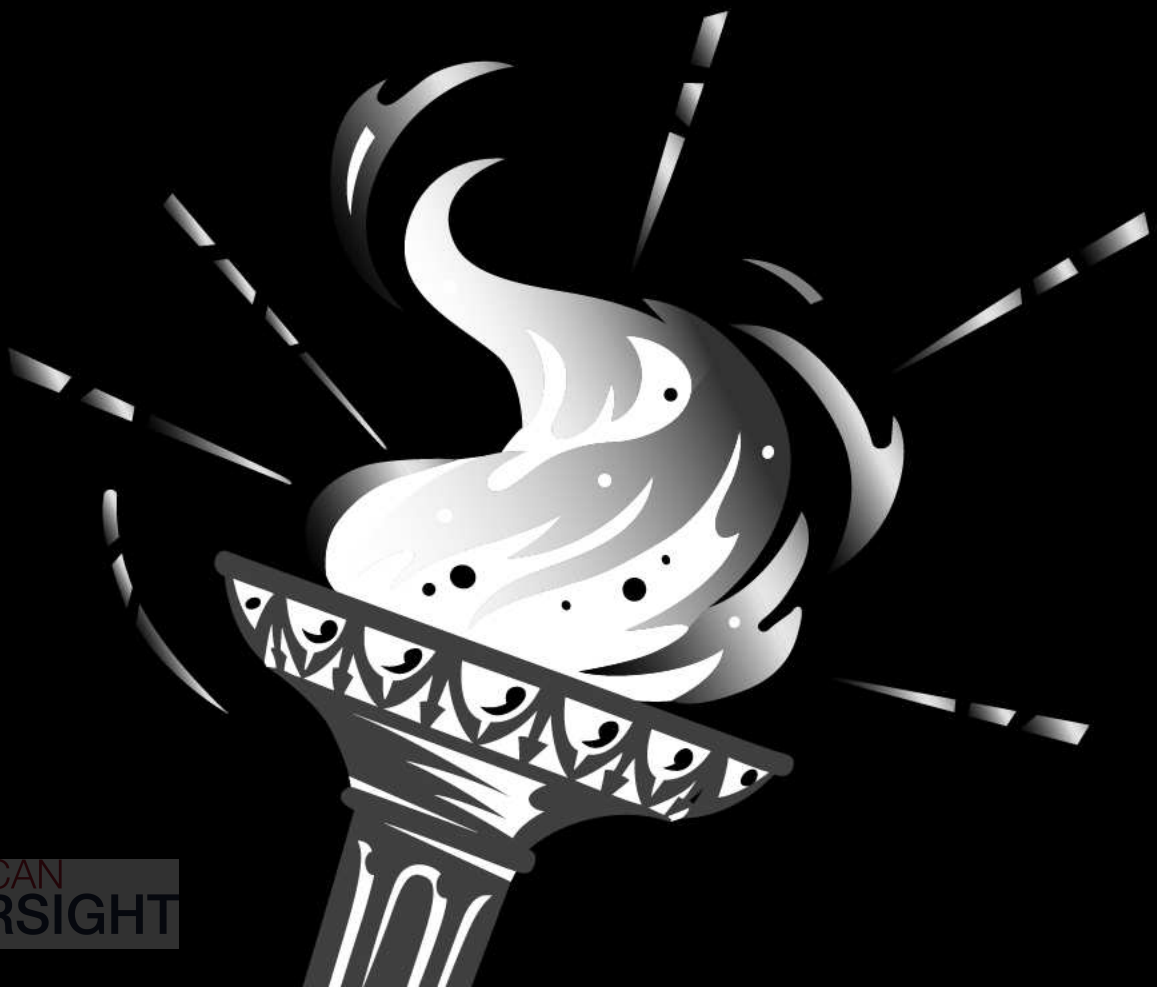
Background



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Proposed Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents

Proposed Guidelines Developed in Response to Education Accountability and Quality Enhancement Act of 1999 (HB 2710 and SB 1145)

Introduction

The expectations of public education have changed substantially in the last quarter century. Schools and school personnel at all levels must respond in a direct and convincing manner to address rigorous academic expectations for all students. Schools are expected to teach all children, regardless of the level of skills or personal circumstances they present, to a high level of academic achievement for the unfolding information age. In order to succeed in this most important endeavor, schools must modify their standard service delivery model to adapt to individual student learning needs. Everyone from classroom teachers to school division superintendents, must make the learning of every student the priority driving all other professional responsibilities. Teachers must make instruction meaningful and effective for children at all academic levels. Principals must focus the collective efforts of all school personnel on the primary goal of improving student learning. Superintendents and central office personnel must plan and support instructional programs that facilitate student achievement at the school and classroom levels.

The *Education Accountability and Quality Enhancement Act of 1999* (HB 2710, SB 1145) passed by the Virginia General Assembly mandates the development of strategies to recognize and develop these heightened responsibilities of educators. This Act addresses the evaluation and training of teachers, assistant principals, principals, central office personnel, and superintendents, with a primary focus on student achievement and safety. Additionally, the mentoring of new teachers and those experiencing difficulties is included as part of the training continuum for all teachers. Salary supplements for teachers receiving National Board Certification are also part of this legislation, with the intent of recognizing truly exceptional classroom teachers. Collectively, the elements of this legislation offer supportive strategies for educators to become more productive and educationally accountable.

The sections of the *Education Accountability and Quality Enhancement Act* applicable to personnel evaluation are as follows:

Superintendent evaluation: The Board of Education shall develop guidelines for uniform performance standards and criteria to be used by local school boards in evaluating superintendents. These standards and criteria shall include, but not be limited to, assessing teacher and administrator skills and knowledge, improving student academic progress, providing for school safety, and enforcing student discipline. (§22.1-60.1)

Administrator evaluation: Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. (§22.1-294)

Instructional personnel evaluation: School boards shall develop a procedure for use by division superintendents and principals in evaluating instructional personnel that is

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> appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge. (§22.1-295)

This document sets forth the basic framework for the educator evaluation component of the *Education Accountability and Quality Enhancement Act.*

Rationale

Evaluation criteria can have powerful symbolic value because they embody the values and expectations of the public regarding the functions of school personnel, particularly regarding teaching and learning. If those criteria are then used as a yardstick to judge the effectiveness of educators, they help to focus assessment efforts on self-growth, instructional effectiveness, and improvement of overall job performance. The use of clear evaluation criteria for teachers, principals, central office administrators, and superintendents serves as a foundation for a fair and comprehensive evaluation system that provides sufficient detail and definition so that educators and their supervisors can reasonably understand job expectations.

The evaluation criteria delineated herein were developed as a direct effort of the Virginia Department of Education to provide meaning and to give substance to the *Education Accountability and Quality Enhancement Act*, based on the collective expertise of the State Advisory Committee selected for this purpose. The Advisory Committee's work was developed with the intent of designing a document that integrates the multiple strands of the accountability reform efforts currently underway in Virginia, including the following key purposes:

- Design evaluation criteria that are consistent with and supportive of Virginia's Standards of Learning and Standards of Accreditation and that encompass other state statutory and policy requirements;
- Develop evaluation criteria that encourage educators and policymakers to focus on performance in key areas of student achievement and safety;
- Create a seamless approach to connecting
  - new employee mentoring
  - job expectations
  - job performance
  - employee evaluation
  - employee professional development (performance improvement)
  - school improvement;
- Clarify expectations for educators who are new to the positions of teacher, assistant principal, principal, central office administrator, and superintendent;
- Provide a context for improving employee performance (e.g., opportunity to describe and discuss performance with supervisors, peers, mentors, and other experienced educators);
- Design evaluation criteria that are consistent with pre-service teacher and administrator preparation programs;
- Provide structure and guidelines that facilitate quality evaluations and encourage consistency across schools and school divisions;
- Provide a structure for focusing improvement efforts within and across Virginia's schools; and
- Focus attention and resources on student learning in a comprehensive and concerted fashion.

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VA-DOE-22-0316-B-001787

Development Process

To respond to the many provisions of the *Education Accountability and Quality Enhancement Act*, the Virginia Department of Education enlisted the assistance of consultants from The College of William and Mary and the University of Virginia with expertise in the area of personnel evaluation. The consultants provided background research and assistance with development of the evaluation guidelines for consideration by the Department of Education's staff and the State Advisory Committee. The consultants were also charged with reviewing national standards for the evaluation of teachers, principals, and superintendents to provide a solid foundation for the evaluation criteria guidelines to be used in Virginia.[1] In addition, current evaluation criteria used in selected Virginia school divisions and school districts across the country were examined with the purpose of embedding widely respected professional standards in Virginia's evaluation framework while also reflecting the educational priorities set forth by the General Assembly.

The Advisory Committee was composed of superintendents, principals, teachers, professors of education, community members, and representatives of professional organizations that have expertise to offer the process and who hold a vested interest in a well-articulated evaluation system. The committee met during the summer and fall of 1999 to offer direction in the development process and reactions to proposed evaluation criteria. Based on guidance from the committee and the Department of Education, this document was developed.

Intended Use

As set forth in the *Education Accountability and Quality Enhancement Act*, these evaluation criteria are intended to provide guidance for local school boards to consider in the development of evaluation policies and procedures for superintendents, building and central office administrators, and teachers. They are intended to reflect the priorities of the Board of Education and provide recommended guidelines for use in school divisions; however, they are not intended to be prescriptive in nature.

1 *Primary professional association standards consulted in the design of this work included those of the American Association for School Administrators, the Interstate School Leaders Licensure Consortium, and the Interstate New Teacher Assessment and Support Consortium*.

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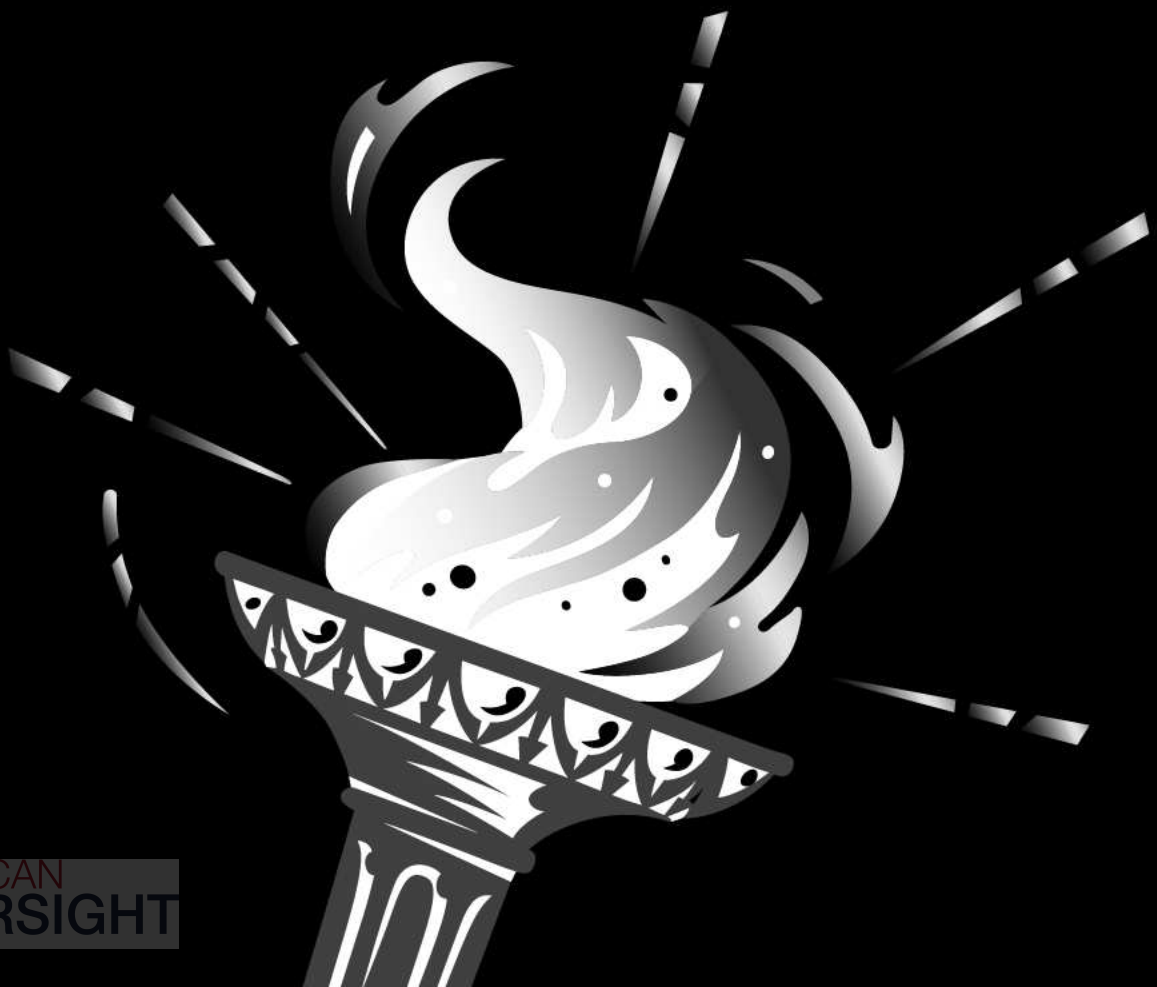
Evaluation Criteria for Teachers, Administrators, and Superintendents



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Evaluation Criteria for Teachers, Administrators, and Superintendents

Introduction to the Evaluation Criteria

The *Education Accountability and Quality Enhancement Act of 1999* requires the development of "defined criteria for a performance evaluation process" for teachers, principals, assistant principals, supervisors, and division superintendents. During the development process, the Advisory Committee agreed that sets of evaluation criteria were necessary for three distinct roles: a) teacher; b) principal, assistant principal, and supervisor; and c) division superintendent. While there are differences in the roles of principals, assistant principals, and central office supervisors for instruction, the committee found that their actual job responsibilities often are similar, varying in scope but not substantially in content. As a result, a common set of evaluation criteria was written for the principal, assistant principal, and central office supervisor. They are referred to collectively as the "Administrator" criteria.

The framework for evaluation criteria is organized by five major categories that reflect primary responsibilities of educational personnel. The five general categories for division superintendents, administrators (principals, assistant principals, and supervisors), and teachers are listed below. While they are substantially similar, they differ where necessary to reflect the scope and focus of the work for each position.

Descriptions of Major Categories

1. **Planning and Assessment.** For teachers, this category includes the responsibilities for evaluating and providing students with feedback that encourages student progress and measures student achievement. Based on a variety of assessments, content knowledge, and student knowledge, the teacher plans appropriate instruction.

   For administrators and superintendents, this category includes responsibilities for assessing instructional programs and personnel and for planning responsive improvement plans to promote student learning.

2. **Instruction.** For teachers, this category encompasses the critical skills that determine the quality of classroom instruction. The major responsibilities include implementing a variety of activities consistent with instructional objectives and selecting instructional methods compatible with students' abilities, prior knowledge, and learning styles.

   For administrators and superintendents, this category is termed **Instructional Leader-**

Major Categories of Evaluation Criteria

Teachers

- Planning and Assessment
- Instruction
- Safety and Learning Environment
- Communication and Community Relations
- Professionalism

Administrators and Superintendents

- Planning and Assessment
- Instructional Leadership
- Safety and Organizational Management for Learning
- Communication and Community Relations
- Professionalism

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ship and focuses on the support and leadership provided in the areas of personnel, curriculum, and staff development for the explicit purpose of enhancing instructional programs.

3. **Safety and Learning Environment.** The category of safety and learning environment includes the teachers' responsibilities for planning and demonstrating effective routines and procedures that create an organized and positive learning environment.

   For administrators and superintendents, this category is called **Safety and Organizational Management for Learning** and refers to responsibilities for the management and oversight of the organization's operations and climate, with particular attention to ensuring safety and meaningful student learning.

4. **Communication and Community Relations.** The category of communication and community relations describes the responsibilities of teachers to use effective communication strategies in working with students, parents, and members of the community to promote broad support for student learning.

   For administrators and superintendents, this category refers to the use of a systematic method of two-way communication to promote understanding, support, and continuous improvement of the organization's programs and services within schools and the larger community.

5. **Professionalism.** This final category speaks to the basic responsibilities of all professional educators and defines the responsibilities for demonstrating a commitment to professional ethics and growth and for complying with school divisions' policies and procedures.

Definition of Evaluation Criteria

The framework for the evaluation criteria of the three professional roles of teacher, administrator, and division superintendent is defined using a three-tiered description:

- Major Categories of Evaluation Criteria,
- Evaluation Criteria, and
- Performance Indicators.

The three levels of specificity are intended to describe the responsibilities of each role with sufficient detail and accuracy so that teachers, administrators, and superintendents can reasonably understand the job expectations. The major categories of evaluation criteria described above are further defined with specific evaluation criteria listed in the next three sections, one for each role. In addition to the evaluation criteria, sample performance indicators are provided in Appendix A for teachers, Appendix B for administrators, and Appendix C for superintendents.

TEACHER Evaluation Criteria

Planning and Assessment

- **The teacher** designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.
- **The teacher** plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.
- **The teacher** diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

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- **The teacher** uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

- **The teacher** identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Instruction

- **The teacher** understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

- **The teacher** understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

- **The teacher** uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

- **The teacher** selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Safety and Learning Environment

- **The teacher** actively implements a discipline policy that fosters a safe and positive environment for students and staff.

- **The teacher** manages classroom procedures to maximize academic learning time.

- **The teacher** establishes and maintains rapport with students.

- **The teacher** creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Communication and Community Relations

- **The teacher** uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

- **The teacher** forges partnerships with families to promote student learning at home and in the school.

- **The teacher** works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Professionalism

- **The teacher** models professional, moral, and ethical standards as well as personal integrity in all interactions.

- **The teacher** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

- **The teacher** works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

- **The teacher** provides service to the profession, the division, and the community.

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ADMINISTRATOR
Evaluation Criteria: Principals, Assistant Principals, and Central Office Instructional Personnel

Planning and Assessment

- **The administrator** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The administrator** collaboratively develops and implements a school improvement plan that results in increased student learning.
- **The administrator** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The administrator** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The administrator** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The administrator** supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The administrator** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The administrator** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The administrator** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The administrator** maintains effective discipline and fosters a safe and positive environment for students and staff.
- **The administrator** effectively coordinates the daily operation of the assigned area of responsibility.
- **The administrator** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The administrator** demonstrates effective organizational skills to achieve school, community, and division goals.

Communication and Community Relations

- **The administrator** promotes effective communication and interpersonal relations with students and staff.
- **The administrator** promotes effective communication and interpersonal relations with parents and other community members.
- **The administrator** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

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Professionalism

- **The administrator** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The administrator** works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.
- **The administrator** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The administrator** provides service to the profession, the division, and the community.

SUPERINTENDENT
Evaluation Criteria

Planning and Assessment

- **The superintendent** effectively employs various processes for gathering, analyzing, and using data for decision making.
- **The superintendent** organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.
- **The superintendent** plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.
- **The superintendent** develops plans for effective allocation of fiscal and other resources.

Instructional Leadership

- **The superintendent** communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.
- **The superintendent** oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.
- **The superintendent** selects, inducts, supports, evaluates, and retains quality instructional and support personnel.
- **The superintendent** provides staff development programs consistent with program evaluation results and school instructional improvement plans.
- **The superintendent** identifies, analyzes, and resolves problems using effective problem-solving techniques.

Safety and Organizational Management for Learning

- **The superintendent** actively supports a safe and positive environment for students and staff.
- **The superintendent** develops procedures for working with the board of education that define mutual expectations, working relationships, and strategies for formulating division policies.
- **The superintendent** effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.
- **The superintendent** demonstrates effective organizational skills to achieve school, community, and division goals.

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Communication and Community Relations

- **The superintendent** promotes effective communication and interpersonal relations within the school division.
- **The superintendent** establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.
- **The superintendent** works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Professionalism

- **The superintendent** models professional, moral, and ethical standards as well as personal integrity in all interactions.
- **The superintendent** works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.
- **The superintendent** takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.
- **The superintendent** provides service to the profession, the division, and the community.

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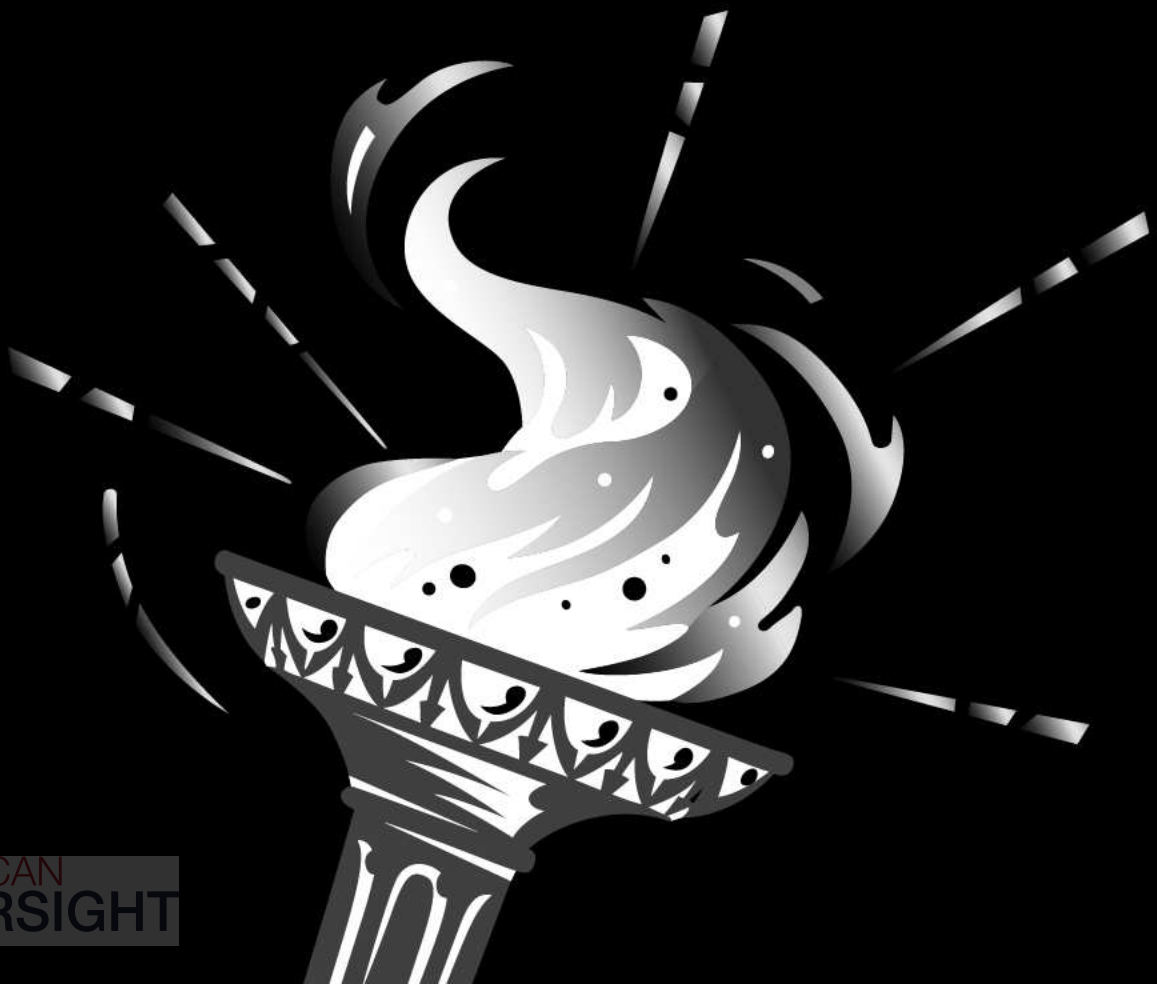
Recommendations for Implementation



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Recommendations for Implementation

Next Steps for Use by Local School Divisions

Local school boards must become familiar with their responsibilities as specified by the *Education Accountability and Quality Enhancement Act of 1999* and devise an implementation plan for compliance. One section of the Act (§22.1-294 B.) requires the adoption of "defined criteria for a performance evaluation process" for professional educators. The evaluation criteria recommended in this document may be modified or used as is by local school divisions to achieve that goal. School divisions are urged to consider their organizational goals and review their policy on evaluation carefully before proceeding with a review of their evaluation system and criteria. Policy should reflect organizational goals, and division goals should shape the job descriptions for all employees within the division. Using job descriptions as a starting point, the evaluation criteria offered in these guidelines then can be used to define further the expectations of teachers, principals, assistant principals, supervisors, and school superintendents.

If guidelines are used to modify existing personnel evaluation system:

- Review these guidelines for consistency with local policy for personnel evaluation, stated purposes of evaluation, and substance of existing evaluation criteria.
- Make modifications to the existing evaluation system based on the requirements of the *Education Accountability and Quality Enhancement Act of 1999*, these guidelines, and local needs.
- Give special consideration to the integration of student learning measures in the evaluation of professional educators.

If guidelines are used to develop new personnel evaluation system:

- Review guidelines for consistency with local policy for personnel evaluation and stated purposes of evaluation.
- Consider evaluation criteria and descriptors based on job descriptions.
- Modify evaluation criteria and descriptors to reflect local goals, job descriptions, and priorities.
- Select appropriate information collection strategies such as
  - observations - scheduled/unscheduled, in class/other arenas;
  - client surveys - students, parents, peers;
  - review of documents - lesson plans, grade books, parent communication, etc.;
  - goal statements and evidence of achievement;
  - miscellaneous - discipline referrals, test results, knowledge of professional contributions, community support;
  - measures of student learning.
- Delineate a schedule for information collection and evaluation reports, including
  - differentiation for tenured and non-tenured professionals,
  - number and timing of information collection strategies,

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- calendar for administering evaluation system with deadlines for evaluation summaries.

- Develop a rating scale for judging performance, including
  - choice of terms,
  - definition of terms.
- Define a performance improvement process for professional educators identified as needing remedial assistance.
- Develop necessary guidelines and forms, including
  - observation forms,
  - client survey forms,
  - interim evaluation forms,
  - summative evaluation forms,
  - improvement assistance plan.

Recommendations for Integrating Student Learning in Educator Evaluation[2]

1. *Use student learning as only one component in an educator evaluation system that is based on multiple data sources.*

Measures of student learning are vitally important in judging the effectiveness of teachers, administrators, and superintendents, but they should never serve as the sole source for evaluating performance. Rather, multiple sources of information should be considered in order that a more complete picture of performance can be developed. Such multiple data sources might include formal and informal observations, client surveys, artifacts of performance, goal setting, and other relevant sources of performance information. Student learning measures should be considered in conjunction with these other sources to provide a full and comprehensive portrait of the educator's performance.

2. *When judging educator effectiveness, consider the context in which schooling occurs.*

There are circumstances in which educators have done everything possible to enhance student learning, but conditions beyond their control prevent maximum learning benefits by students. Thus, consideration should be given to student mobility, absenteeism, and other variables beyond the control of the educator. The entire system of support, including staff training, availability of mentors, conducive work spaces, instructional resources, community support, and other important matters cannot be overlooked in attributing responsibility for learning.

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2 *These recommendations are adapted from: Stronge, J. H., & Tucker, P. D. (2000). Teacher evaluation and student achievement. Washington, DC: National Education Association.*

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3. Use measures of student growth versus a fixed achievement standard or goal.

Very few human endeavors are judged in terms of fixed goals; more typically, they are based on growth and progress toward stated goals. Even in the hard-nosed world of business, performance is judged based on a variety of economic indicators and comparisons to projected growth. The same paradigm should be used in education, with an acknowledgment of learning inhibitors and comparisons to projected learning growth. This approach requires the use of pre- and post-testing to determine progress rather than the attainment of predetermined pass rates or proficiency levels. While there is a place and purpose for fixed standards, such as learning to read at an acceptable level, fixed standards must be regarded skeptically when applied to personnel evaluation.

4. Compare learning gains from one point in time to another for the same students, not different groups of students.

If teachers, administrators, and superintendents are to be held accountable for student learning, then it is critical that patterns of student learning be established - not single snapshots. Repeated measures of student learning over time enhance reliability from a statistical point of view and credibility from a decision-making perspective.

5. Use fair and valid measures of student learning.

If student learning measures are to be used for the evaluation of educators, then they must conform to professional standards of practice. Specifically, the use of student assessment measures in evaluating educator performance should be

- ***valid.*** "Any measure of student performance, whether used for formative or summative evaluation, should be sensitive to (be able to detect) the impacts of what teachers and schools do; that is, measures of student learning should have instructional validity. If they do not ... then it would be hard to justify their use for either teacher or school evaluation of any kind."[3]

- ***reliable.*** The assessment measure should produce adequately consistent (i.e., reliable) results across time and across scorers. One of the key issues to consider when making decisions about educator performance is inter-rater reliability among evaluators.

- ***free from bias.*** Student achievement data should be used in an objective, fair, and impartial manner, and should not be interpreted or used capriciously.

- ***comparable.*** No educator "... should be disadvantaged compared with any other based on factors beyond their control."[4]

3 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 177.*

4 *McConney, A. A., Schalock, M. D., & Schalock, H. D. (1997), page 178.*

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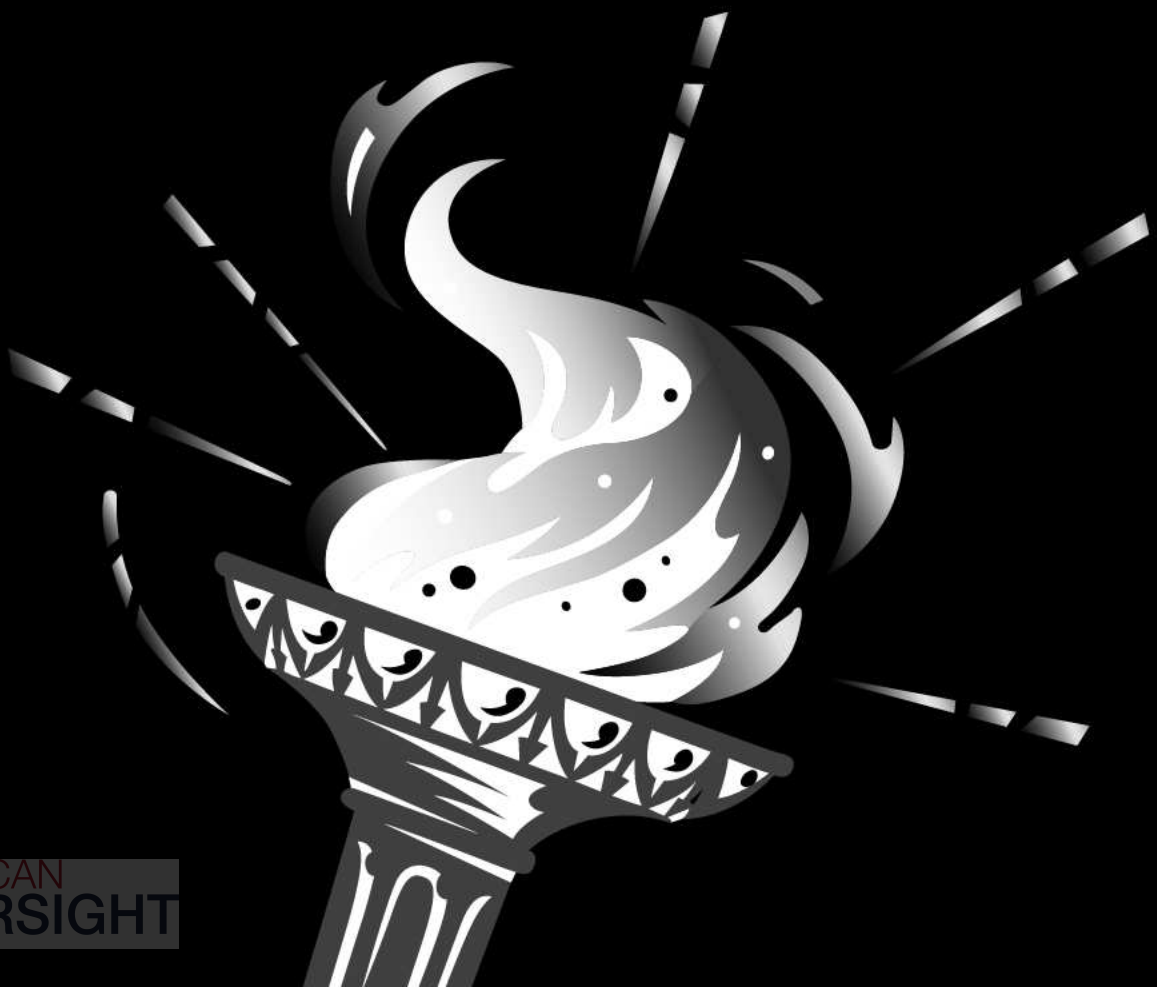
Appendices



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Appendix A

Teacher Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The teacher designs coherent instruction based upon knowledge of subject matter, students, the community, and curriculum goals.

Sample Performance Indicators:

The teacher...

- bases instruction on goals that reflect high expectations, conceptual understanding of the subject, and the importance of learning.
- matches content/skills taught to overall curriculum scope and sequence.
- uses assessment feedback to monitor and adjust instruction.
- links objectives for instruction to prior student learning.
- reflects the goals and needs of the school and community in planning.
- uses available resources to link student learning to the community.

The teacher plans instruction to achieve desired objectives that reflect the Virginia Standards of Learning and division curriculum guidelines.

Sample Performance Indicators:

The teacher...

- selects appropriate student objectives for lessons consistent with division guidelines and the Virginia Standards of Learning.
- designs appropriate learning activities that are clearly connected to instructional objectives.
- develops lesson plans that are clear, logical, and sequential.

The teacher diagnoses individual, group, and program needs and selects appropriate materials and resources to match the abilities and needs of all students.

Sample Performance Indicators:

The teacher...

- plans instruction appropriate to the developmental level and needs of students.
- demonstrates knowledge of resources and methods appropriate to serving students with special learning needs.
- arranges/adapts classroom setting to accommodate individual and group learning needs.
- assists students in planning, organizing, and preparing for assignments, long-range projects, and tests.
- is sensitive and responsive to the diversity of individuals and groups within the classroom.

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The teacher uses a variety of assessment strategies and instruments to make both short-term and long-range instructional decisions to improve student learning.

Sample Performance Indicators:

The teacher...

- monitors student understanding on an ongoing basis and adjusts teaching when necessary.
- utilizes multiple assessment practices congruent with instructional goals both in content and process.
- effectively uses both teacher-made and standardized tests as appropriate.
- uses student products as a source for assessment and instructional decisions.
- demonstrates competence in the use of acceptable grading/ranking/scoring practices in recording and reporting student achievement.
- maintains and uses organized records of student progress for instructional decisions.

The teacher identifies and communicates specific student performance expectations and documents student learning gains using appropriate assessment instruments.

Sample Performance Indicators:

The teacher...

- communicates clear expectations for learning and behavior to students and parents.
- uses pre-assessment data in developing expectations for students and as a basis for documenting learning gains.
- provides prompt and meaningful feedback to students about performance and progress.
- prepares tests that reflect the academic content studied.
- provides opportunities for students to contribute to the development of criteria and standards as appropriate.
- incorporates strategies to prepare students for SOL and standardized testing.

Instruction

The teacher understands the central concepts, tools of inquiry, and structures of the discipline he or she teaches and creates learning experiences that make the subject matter meaningful for all students.

Sample Performance Indicators:

The teacher...

- communicates a belief that all students can learn.
- exhibits an understanding of and facility in explaining the subject area(s) taught.
- uses appropriate literature and current resources and materials in the subject area(s).
- encourages the academic curiosity and critical thinking of students.
- modifies instruction to make topics relevant to students' lives and experiences.
- demonstrates ability to engage and maintain students' attention and to recapture or refocus it as necessary.
- provides clear and concise explanations of lessons.
- checks for understanding with questions, review activities, and various assessment strategies.

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The teacher understands how students differ in their approaches to learning and is able to differentiate instruction to meet diverse student needs.

Sample Performance Indicators:

The teacher...

- selects materials and media that match learning styles of individual students.
- provides for the instructional needs of all students, including remedial and enrichment/ extension activities as necessary.
- utilizes flexible grouping practices to respond to the diverse learning needs of students.
- collaborates with resource teachers in developing activities for students with special learning needs.
- encourages students to build on strengths while developing all areas of competence.
- paces instruction appropriately with adequate preview and review of instructional components.
- uses a variety of teaching strategies, including cooperative, peer and project-based learning, audiovisual presentations, lecture, discussions and inquiry, practice and application, and the teaching of others.
- demonstrates respect for individual, cultural, religious, and racial differences of individuals and groups within the classroom.

The teacher uses comprehensive materials, technology, and resources that promote the development of critical thinking, problem solving, and performance skills.

Sample Performance Indicators:

The teacher...

- evaluates curricular materials for accuracy, currency, and student interest.
- provides students with materials and media that are appropriate and challenging for their instructional levels.
- encourages and guides the development of problem-solving skills and independent thinking in students.
- utilizes available technological materials and resources effectively to engage students in varied learning experiences.
- provides opportunities for guided practice and hands-on technology application.
- demonstrates competence in the Technology Standards for Instructional Personnel.

The teacher selects, evaluates, and refines a variety of teaching methods and instructional strategies for the active engagement of students and improvement of student learning.

Sample Performance Indicators:

The teacher...

- solicits comments, questions, examples, and other contributions from students throughout lessons.
- uses questioning strategies effectively.
- provides opportunities for guided and independent practice.
- responds positively to student questions and active engagement.

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- implements instructional opportunities in which students are interacting with ideas, materials, teachers, and one another.
- reteaches material and/or accelerates instruction based on assessment to pace instruction appropriately for interest and engagement.
- implements curriculum experiences to encourage students to reflect on and take increasing responsibility for their own learning.

Safety and Learning Environment

The teacher actively implements a discipline policy that fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The teacher...

- establishes effective classroom rules and procedures.
- communicates clear expectations about behavior to students and parents.
- implements and enforces disciplinary procedures with fairness and consistency.
- encourages students in developing self-discipline and conflict resolution skills.
- recognizes and celebrates the achievements of students and staff.
- is knowledgeable of and complies with local, state, and federal safety regulations.
- manages emergency situations as they occur.

The teacher manages classroom procedures to maximize academic learning time.

Sample Performance Indicators:

The teacher...

- plans purposeful assignments for teacher assistants, substitute teachers, student teachers, and others to ensure continuous student engagement in learning.
- structures transitions in an efficient and constructive manner.
- creates and maintains a physical setting that minimizes disruption and promotes learning and safety.
- handles administrative routines quickly and efficiently.
- has all material readily available to allow for the smooth flow of instruction.

The teacher establishes and maintains rapport with students.

Sample Performance Indicators:

The teacher...

- treats students with respect.
- communicates personal enthusiasm for learning.
- models caring, fairness, humor, courtesy, respect, and active listening.
- demonstrates concern for students' emotional and physical well-being.
- seeks and uses information about student interests and opinions.
- develops and maintains positive interactions with students in all school settings.

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The teacher creates a supportive learning environment for all students that encourages social interaction, active engagement in learning, and self-motivation.

Sample Performance Indicators:

The teacher...

- encourages students to respect themselves and others.
- communicates clear expectations for appropriate interactions among students.
- models enthusiasm for and engagement in learning.
- encourages students to take pride in good work.
- enhances students' feelings of self-worth.
- incorporates principles of equal opportunity and non-discrimination into classroom management.
- provides equitable opportunities for student learning.
- promotes multicultural awareness, gender sensitivity, and the appreciation of diversity within the classroom.

Communication and Community Relations

The teacher uses effective verbal, nonverbal, and media communication techniques to foster positive interactions in the classroom.

Sample Performance Indicators:

The teacher...

- uses precise language, correct vocabulary and grammar, and acceptable forms of oral and written expression.
- articulates clear learning goals and instructional procedures to students.
- gives directions that are clear and reasonable and contain an appropriate level of detail.
- uses a variety of media communication tools to enrich learning opportunities.
- models effective communication strategies in conveying ideas and information.
- provides support for student expression in speaking, writing, and other media.

The teacher forges partnerships with families to promote student learning at home and in the school.

Sample Performance Indicators:

The teacher...

- responds promptly to parental concerns.
- demonstrates flexibility in planning meetings with parents.
- promotes parental involvement in the classroom and school.

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- shares major instructional goals for the year with parents.
- initiates communication with parents or guardians concerning student progress or problems in a timely manner.
- establishes regular channels of communication between school and home.
- offers strategies for parents to assist in their children's education.

The teacher works collaboratively with staff, families, and community resources to support the success of a diverse student population.

Sample Performance Indicators:

The teacher...

- is sensitive to the social and cultural background of students and parents.
- uses multiple modes of communication to provide information to parents.
- encourages parent and community involvement in classroom activities.
- collaborates with staff, families, and community members to respond to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.
- supports community partnerships and uses community resources to enhance learning.
- works with community members in carrying out school and community-sponsored functions.

Professionalism

The teacher models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The teacher...

- relates to colleagues, parents, and others in an ethical and professional manner.
- represents the school/program favorably in the school division/community.
- uses acceptable written and oral language.
- resolves concerns and problems in a constructive manner.
- maintains confidentiality appropriate to teaching assignment.
- maintains a professional demeanor and appearance.
- works in the best interest of the students, the school, and the community.

The teacher takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The teacher...

- participates in professional growth activities including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

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- evaluates and identifies areas of personal strength and weakness related to professional skills and their effect on student learning and sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in the field of professional specialization.

- comprehends and applies current literature that enhances knowledge of educational issues, trends, and practices.

- collaborates with colleagues to improve and enhance instructional knowledge and skills.

- maintains proper licensure and certification.

The teacher works in a collegial and collaborative manner with peers, school personnel, and the community to promote and support student learning.

Sample Performance Indicators:

The teacher...

- demonstrates flexibility and a collaborative attitude in supporting co-workers/work team.

- maintains effective working relationships with other teachers.

- works collaboratively with other staff members to plan for individual student learning and alignment of goals and standards across classrooms and grade levels.

- makes a positive contribution to the overall climate of the school and division.

- supports school and division-wide programs and activities.

- considers the interests and needs of other teachers and community stakeholders in promoting and supporting district goals and services.

- shares ideas and information with other teachers, school personnel, and community stakeholders.

The teacher provides service to the profession, the division, and the community.

Sample Performance Indicators:

The teacher...

- serves on school, division, state, and/or national committees.

- maintains an active role in professional and community organizations.

- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align school and division goals and activities with community endeavors.

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Appendix B

Administrator Evaluation Criteria and Performance Indicators

(Principals, Assistant Principals, and Central Office Instructional Personnel)

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The administrator effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The administrator...

- applies current research related to effective techniques for gathering data from individuals, groups, and programs.
- gathers and analyzes data on student academic achievement through standardized test results and other student performance sources.
- identifies strengths and weaknesses in programs and practices to facilitate continuous improvement.
- applies and communicates statistical findings.
- plans and implements changes in programs and/or curricula based on data.
- conducts annual analyses of school's test and subtest scores by grade and discipline.

The administrator collaboratively develops and implements a school improvement plan that results in increased student learning.

Sample Performance Indicators:

The administrator...

- ensures the development and implementation of a biennial school plan approved by the superintendent.
- works collaboratively with faculty and staff to develop a vision and mission consistent with the division strategic plan.
- supports the mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with needs assessment data.
- evaluates the effects of changes on student achievement and provides feedback on goal achievement and needs for improvement.
- keeps abreast of current literature regarding school reform.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

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VA-DOE-22-0316-B-001813

The administrator plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement in the Standards of Learning.

Sample Performance Indicators:

The administrator...

- demonstrates a working knowledge and understanding of the Standards of Learning and school division curricular requirements.
- articulates curricular goals and objectives to staff and other stakeholders.
- assists with the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- works with staff to plan, implement, evaluate, and revise the curriculum on a systematic and ongoing basis.
- demonstrates knowledge of and applies current research related to best practices in curriculum and instruction.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.
- implements division testing program for students.
- uses varied assessment data to ensure that instructional programs are responsive to students' academic needs.

The administrator develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The administrator...

- meets and works collaboratively with appropriate staff to determine budget needs and priorities.
- prioritizes budget requests to meet the needs of assigned curriculum/program(s).
- meets and works collaboratively with appropriate staff to determine priorities for effective allocation of space as well as human and other resources.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The administrator communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The administrator...

- articulates a vision and works collaboratively to develop a mission and programs consistent with the division's strategic plan.
- emphasizes positive student achievement and continuous improvement.
- analyzes current academic achievement and teaching methods to make appropriate educational decisions and improve classroom instruction.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001814

- monitors the delivery of appropriate remediation and intervention for students.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- commits resources to the achievement of the mission and goals.
- demonstrates strong motivation and high standards and models self-evaluation.
- communicates commitment to protecting academic instructional time.
- recognizes, encourages, and celebrates excellence among staff and students.

The administrator supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The administrator...

- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- meets and works with staff on a regular basis to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- demonstrates and applies knowledge of effective instructional models and strategies.
- identifies best instructional practices for student groups with identified needs.
- provides instructional resources, materials, training, and support to accomplish instructional goals.

The administrator selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The administrator...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- evaluates instructional alignment with the Standards of Learning to ensure students' successful attainment of the knowledge and skills indicated.
- evaluates classroom practices and methods for improvement of instruction.

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VA-DOE-22-0316-B-001815

- provides support and resources for staff to improve job performance, and recognizes and supports the achievements of highly effective staff members.

The administrator provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The administrator...

- leads the development and implementation of a systematic professional development plan for individuals and for the school.
- involves school staff in identifying staff development needs based on student achievement data.
- provides staff development that supports effective instruction.
- shares knowledge and information about new, improved, or alternative methods of instruction and related issues.
- meets with instructional teams and teachers regularly to discuss ongoing school improvement efforts.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- disseminates information about conferences, course work, and membership in professional organizations.
- supports staff participation in internal and external professional development opportunities as appropriate.

The administrator identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The administrator...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division missions and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The administrator maintains effective discipline and fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The administrator...

- ensures a safe, secure, orderly, clean, and attractive school environment.

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VA-DOE-22-0316-B-001816

- clearly communicates expectations regarding behavior to students, staff, and parents.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary procedures in a timely and consistent manner.
- establishes effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.
- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, and parents.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The administrator effectively coordinates the daily operation of the assigned area of responsibility.

Sample Performance Indicators:

The administrator...

- organizes staff to conduct daily routines efficiently, use space effectively, and ensure appropriate instructional time.
- publicizes routines and procedures through handbooks, orientation sessions, and other means.
- protects academic instructional time from unnecessary interruptions.
- organizes schedule to keep time students are out of class to a minimum.
- monitors and provides supervision for all programs and activities.
- oversees the general maintenance, upkeep, and appearance of the school (building administrators only).
- monitors established routines and use of facilities on a regular and timely basis (building administrators only).

The administrator effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The administrator...

- follows federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- establishes and uses accepted procedures for receiving and disbursing funds.
- maintains records of receipts and disbursements of all funds handled.
- keeps staff informed about status of budget requests, equipment purchases, and materials ordered.
- monitors the efficient use of instructional resources.
- works with staff to establish an effective schedule for use of shared resources.
- accurately maintains personnel records.

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VA-DOE-22-0316-B-001817

- maintains current record of licensure, endorsement, and in-service training completed by staff.
- adheres to established evaluation schedules, timelines, and procedures.

The administrator demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The administrator...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains accurate student records to ensure that criteria for promotion/placement/instructional intervention are included.
- maintains accurate drop-out records to work towards drop-out prevention.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- maintains an acceptable work space.

Communication and Community Relations

The administrator promotes effective communication and interpersonal relations with students and staff.

Sample Performance Indicators:

The administrator...

- promotes a climate of trust within the school.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with classroom teachers, specialists, and administrators in promoting the division's mission and in communicating expectations.

The administrator promotes effective communication and interpersonal relations with parents and other community members.

Sample Performance Indicators:

The administrator...

- communicates school and division goals, objectives, and expectations to stakeholders.

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VA-DOE-22-0316-B-001818

- maintains visibility and accessibility to parents and the community.
- uses multiple modes of communication to notify stakeholders of issues, events, and useful information regarding curriculum and programs in a timely manner.
- clarifies collaborative roles of school and home in promoting student learning and meeting curricular goals.
- communicates evidence of progress toward goals and objectives.
- monitors the development and distribution of staff and student handbooks.
- uses acceptable written and oral language.

The administrator works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The administrator...

- plans for and solicits parent and community member input.
- promotes the development of community partnerships.
- encourages parental and community involvement in promoting school goals.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- seeks grants and other community resources to support school goals.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the school-community.
- promotes the value of understanding and celebrating school and community cultures.

Professionalism

The administrator models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The administrator...

- relates to co-workers, customers/clients, and others in an ethical and professional manner.
- represents the school/office/program favorably in the school division/community.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The administrator works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The administrator...

- demonstrates flexibility and a collaborative attitude in supporting colleagues/work teams.

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VA-DOE-22-0316-B-001819

- supports the organization and advances the mission/goals.
- supports division-wide programs and activities and makes a positive contribution to the overall climate of the school and division.
- maintains effective working relationships with other administrators and staff.
- shares ideas and information and considers the interests and needs of other administrators and community stakeholders in promoting and supporting district goals and services.

The administrator takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The administrator...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.
- evaluates and identifies areas of personal strength and weakness related to professional skills and their impact on student learning.
- sets goals for improvement of skills and professional performance.
- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in one's own field of professional specialization.
- comprehends and applies current research of educational issues, trends, and practices.
- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.
- maintains proper licensure and certification.

The administrator provides service to the profession, the division, and the community.

Sample Performance Indicators:

The administrator...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.
- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.
- organizes, facilitates, and presents at local, state and/or national conferences.
- supports and participates in efforts to align school and division goals and activities with community endeavors.

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VA-DOE-22-0316-B-001820

Appendix C

Superintendent Evaluation Criteria and Performance Indicators

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The superintendent effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The superintendent...

- applies current research related to effective techniques for gathering data from individuals, groups, programs, and the community, and uses reliable data in making decisions.
- reviews analyses of student academic achievement through standardized test results and other academic sources.
- provides staff with data in a collaborative effort to determine needs for improvement.
- applies and communicates statistical findings to identify strengths and weaknesses in programs and practices in order to ensure continuous improvement.
- plans and implements changes in programs and/or curricula based on data.
- reviews annual analyses of division's test and sub-test scores by school and discipline in order to assess school improvement and monitor improvement plans.

The superintendent organizes the collaborative development and implementation of a division strategic plan based on analysis of data from a variety of sources.

Sample Performance Indicators:

The superintendent...

- provides leadership in the development of a shared vision for educational improvement and of a strategic plan to attain that vision.
- implements strategies for the inclusion of staff and various stakeholders in the planning process.
- supports the division's mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with the school division's strategic plan and monitors progress in achieving long- and short-range goals and objectives.
- provides feedback to principals on goal achievement and needs for improvement.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

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VA-DOE-22-0316-B-001821

The superintendent plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement of the Standards of Learning.

Sample Performance Indicators:

The superintendent...

- demonstrates a working knowledge and understanding of the Standards of Learning and division curricular requirements.
- supports the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- oversees the planning, implementation, evaluation, and revision of the curriculum on a systematic and ongoing basis.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.

The superintendent develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The superintendent...

- acquires, allocates, and manages division resources in compliance with all laws to ensure the effective and equitable support of all of the division's students, schools, and programs.
- allocates resources consistent with the mission and strategic plan of the division.
- meets and works collaboratively with the board and appropriate staff to determine priorities for budgeting and for the effective allocation of space and human resources.
- utilizes human and material resources outside the division that may support and/or enhance the achievement of goals and objectives.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The superintendent communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates personal commitment to achieving the mission of the school division.
- articulates a shared vision to all constituencies and ensures that staff members are working in concert with the division's strategic plan.
- informs members of the board and community of current research related to best practices in curriculum and instruction.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- recognizes, encourages, and celebrates excellence among staff and students.

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VA-DOE-22-0316-B-001822

- demonstrates strong motivation and high standards and models self-evaluation.

The superintendent oversees the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The superintendent...

- articulates curricular goals, objectives, and frameworks to staff and other stakeholders.
- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- works with the board, staff, and community representatives to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- facilitates the effective coordination and integration of division curricular and co-curricular programs.

The superintendent selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The superintendent...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- oversees the recruitment, appointment, induction, and assignment of the most qualified personnel available.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- recommends the reappointment and/or promotion of competent, effective personnel.
- provides support and resources for staff to improve job performance and recognizes and supports the achievements of highly effective staff members.

The superintendent provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The superintendent...

- leads the development and implementation of a systematic professional development plan for individuals, including members of the board, and for the division.

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- works collaboratively with members of the staff in using student achievement data to determine relevant professional development opportunities.
- meets with principals regularly to assess ongoing school improvement efforts.
- evaluates the effectiveness of the professional development plan in relation to division goals.
- encourages participation in relevant conferences, course work, and activities of professional organizations.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- supports staff participation in internal and external professional development opportunities as appropriate.

The superintendent identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The superintendent...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division mission and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The superintendent actively supports a safe and positive environment for students and staff.

Sample Performance Indicators:

The superintendent...

- facilitates the implementation of sound, research-based theories and techniques of classroom management, student discipline, and school safety to ensure a safe, orderly environment conducive to teaching and learning.
- clearly communicates expectations regarding behavior to students, staff, parents, and other members of the community.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary policies and procedures in a timely and consistent manner.
- supports effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.

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VA-DOE-22-0316-B-001824

- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, parents, and community members.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The superintendent develops procedures for working with the local board of education that define mutual expectations, working relationships, and strategies for formulating division policies.

Sample Performance Indicators:

The superintendent...

- respects the policy-making authority and responsibility of the board.
- develops and uses a systematic means of keeping members of the board informed with complete, accurate information.
- facilitates the delineation of superintendent and board roles and the articulation of mutual expectations.
- recommends policy additions and/or modifications to improve student learning and division effectiveness.
- anticipates future needs and demonstrates a bias for action.
- values group interaction and problem solving.
- expresses opinions on policy issues directly to the board.
- supports and implements policy established by the board.

The superintendent effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The superintendent...

- complies with federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- demonstrates effectiveness in obtaining necessary resources.
- establishes and uses accepted procedures for receiving and disbursing funds.
- ensures that expenditures are within limits approved by the board.
- implements appropriate management techniques and group processes to define roles, delegate activities and responsibilities, and determine accountability for goal attainment.
- prepares and implements short- and long-range plans for facilities and sites.
- ensures proper maintenance and repair of division property and equipment.
- monitors any construction, renovation, or demolition of division buildings.
- regularly reports to the board on the financial condition of the division.
- monitors the efficient use of resources.
- works with staff to establish an effective schedule for use of shared resources.
- ensures the maintenance of accurate personnel records.

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The superintendent demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The superintendent...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains appropriate and accurate records.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- systematically evaluates progress on achieving established goals.
- keeps the board, staff and community appraised of progress in achieving the division's goals.

Communication and Community Relations

The superintendent promotes effective communication and interpersonal relations within the school division.

Sample Performance Indicators:

The superintendent...

- promotes a climate of trust and teamwork within the division.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with staff members in promoting the division's mission and in communicating expectations.

The superintendent establishes and maintains effective channels of communication with board members and between the schools and community, strengthening support of constituencies and building coalitions.

Sample Performance Indicators:

The superintendent...

- accepts responsibility for maintaining communication between the board and division personnel.
- anticipates, analyzes, and discusses emerging educational/division issues with the board on a regular basis.
- systematically provides accurate, relevant information to the board to facilitate decision-making.
- establishes, maintains, and evaluates a planned, two-way system of communication with community constituencies.

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VA-DOE-22-0316-B-001826

- communicates school and division goals, objectives, and expectations to stakeholders.
- is politically astute and demonstrates the skills necessary to build community support for division goals and priorities.
- works cooperatively with representatives of the news media.
- establishes partnerships with public and private agencies to enhance the division's ability to serve students and other constituents.
- uses acceptable written and oral language.

The superintendent works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The superintendent...

- is responsive to the conditions and dynamics of the diversity within the school community.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the community.
- is knowledgeable about laws regarding individual and group rights and responsibilities and scrupulously avoids actions that might violate them.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- promotes the value of understanding and celebrating school/community cultures.

Professionalism

The superintendent models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The superintendent...

- relates to board members, staff, and others in an ethical and professional manner.
- maintains the physical and emotional wellness necessary to meet the responsibilities of the position.
- serves as an articulate spokesperson for the school division and represents the division favorably at the local, state, and national levels.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions and those of subordinates.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The superintendent works in a collegial and collaborative manner with school personnel and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The superintendent...

- demonstrates flexibility and a collaborative attitude in supporting professionals and other staff/work teams.
- supports the division and advances its mission/goals.

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VA-DOE-22-0316-B-001827

- establishes and supports a division culture that encourages collaboration and teamwork in achieving goals.

- maintains effective working relationships with other administrators and staff.

- shares ideas and information and considers the interests and needs of staff members and community stakeholders in promoting and supporting district goals and services.

The superintendent takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The superintendent...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

- evaluates and identifies areas of personal strength and weakness related to providing division leadership.

- sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, and shares the information with appropriate staff.

- comprehends and applies current research of educational issues, trends, and practices.

- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.

- maintains proper licensure and certification.

The superintendent provides service to the profession, the division, and the community.

Sample Performance Indicators:

The superintendent...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align division goals and activities with community endeavors.

AMERICAN OVERSIGHT
VA-DOE-22-0316-B-001828

From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/15/2022 9:09:07 AM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Standards of Emotional Learning Requirements

Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?

Can we discuss?

---------- Forwarded message ---------
From: **Brandi Rutz** <brandirutz@icloud.com>
Date: Mon, Mar 14, 2022 at 10:54 PM
Subject: Standards of Emotional Learning Requirements
To: <elizabeth.schultz@doe.virginia.gov>

Hi Mrs. Schultz,

We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.

First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.

Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.

It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.

I appreciate any clarity you can offer.

By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don’t have a reason to doubt her.

Thank you in advance of your time.

Warm Regards,

Brandi Rutz

Sent from my iPhone
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Superintendent, rr <superintendent@doe.virginia.gov>
Sent: 3/1/2022 1:54:36 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: State superintendent memo

Attachments: interim-30-day-report-on-inherently-divisive-concepts.pdf

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---------- Forwarded message ---------
From: **Bill Craig** <bill.craig@verizon.net>
Date: Sun, Feb 27, 2022 at 8:57 PM
Subject: Fwd: State superintendent memo
To: superintendent@doe.virginia.gov <superintendent@doe.virginia.gov>
Cc: mcraig13@yahoo.com <mcraig13@yahoo.com>

Hello Superintendent Balow,

Welcome to Virginia. My wife and I are residents of the City of Richmond and I am a retired public school teacher, principal, and district administrator. I currently serve as an independent contractor for a regional school accreditation agency. That work has connected me with school districts throughout the country, including Wyoming, as well as schools in the Middle East and South America.

As a professional courtesy, I am sharing an email I sent to my school board representative and division superintendent.

Your memo includes plans to engage stakeholders in the next steps of evaluating the resources referenced in your memo. As I assume you want to include a wide range of experiences and perspectives in this process, I am enthusiastically volunteering to be part of those discussions and humbly suggesting that I would add great value to the process.

Thank you and I look forward to hearing from you,

Bill Craig

Bill Craig
bill.craig@verizon.net
(804) 387-4770 cell
(804) 231-4044 home

----Original Message----
From: Bill Craig <bill.craig@verizon.net>
To: jyoung7@rvaschools.net <jyoung7@rvaschools.net>
Cc: mcraig13@yahoo.com <mcraig13@yahoo.com>; jkamras@rvaschools.net <jkamras@rvaschools.net>
Sent: Sun, Feb 27, 2022 3:20 pm
Subject: State superintendent memo

Hello Jonathan,

I hope you are doing well.

Michele and I responded to the attached memo from Virginia's Superintendent of Public Instruction with both anger and fear of what the immediate future holds for Virginia's teachers, students, and school leaders.

I am not smart enough to know exactly what the implications of this resource purge are for schools and school divisions. But I am familiar with many of the books and resources referenced. I believe that reasonable people can debate the content of the ones I've read but this action represents nothing less than state-sponsored book banning. I am especially galled that this purge is taking place behind the shield of the Civil Rights Act and 14th Amendment. Connecting this executive order to landmark legislation is intellectually dishonest and evidence that the state superintendent and governor are more interested in stoking the flames of the next battle in our country's culture wars than in promoting real conversation about real issues.

We are very grateful for and inspired by Mr. Kamras's commitment to enhancing measures of equity throughout RPS and engaging stakeholders in conversation around equity, not silencing it. Those conversations have never been more important. We are hopeful that you and your school board colleagues will continue to support Mr. Kamras in those efforts and will push back with equal force against this ill-advised intrusion being carried out by the governor and state superintendent.

Thank you for your service,

Bill Craig

Bill Craig
bill.craig@verizon.net
(804) 387-4770 cell
(804) 231-4044 home

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VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

February 23, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Aimee Guidera
Secretary of Education
P.O. Box 1475
Richmond, VA 23218

Dear Governor Youngkin and Secretary Guidera:

Executive Order One charged the Superintendent of Public Instruction (SOPI) to begin the work of identifying and addressing inherently divisive concepts - including "Critical Race Theory and its progeny" - in public education. It defined "inherently divisive concepts" to mean "advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964." Specifically, Executive Order One required the SOPI to identify policies, programs, training or curricula that fall within the definition of divisive concepts. I respectfully submit this interim report to you and the Citizens of Virginia.

This interim report rescinds certain policies, programs, and resources that promote discriminatory and divisive concepts as directed by Executive Order One. It also contains a sampling of critical race theory-based materials. However, the concepts have become widespread in the Virginia Department of Education (VDOE) and in Virginia school divisions and we will need to proactively review policies, practices, and pedagogies around the state to uphold the Civil Rights Act and comport with Executive Order One. We must continue to ensure that no student in Virginia is taught to judge or treat others differently solely on the basis of their race, skin color, ethnicity, sex or faith. As the work continues, we will engage stakeholders in an ongoing dialogue about how all resources and initiatives from the Virginia Department of Education must permit and encourage school divisions to build a culture of compassion, acceptance, opportunity, and positive change.

The Civil Rights Act codified the principles of equal protection and nondiscrimination found in the 14th Amendment, principles that all Virginians and Americans hold dear and wish to see passed on to the next generation. With this interim report, along with another at the 90-day mark, we want to spur productive dialogue across the commonwealth and create a teachable moment for us all - educators, the Citizens of Virginia, and concerned American parents.

Sincerely,

Jillian Balow

JB/jgh

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APPENDIX A: RESCISSIONS & MODIFICATIONS OF PROGRAMS, POLICIES, MATERIALS

Action	Document/Product Title	Status	Basis	Example
Rescinded	All Resources Included on VDOE's EdEquityVA[i] Website, Including EdEquityVA Resources, and Resource Repository [ii]	Rescinded 2/9/22 or in-progress to be rescinded/evaluated	• Numerous resources within EdEquityVA employ the concept that current discrimination is needed to address past discrimination. (Treating people differently based on skin color to remedy old/previous discrimination.) • Numerous resources within EdEquityVA advance "equity," which is redefined to mean that there can be no differences or disproportionalities between students—and any difference in what students have or what they achieve is due to systemic racism. • Suggested reading lists include Critical Race Theory authors such as Ibram X Kendi and Gloria Ladson-Billings. Both are critical race theorists who have moved CRT into education. NOTE: Some items from reading lists were pulled from the VDOE website after 11/2/21. • Basic tenants of anti-racist education are adapted from a CRT author and include, "White People benefit from racism, regardless of intentions." NOTE: Tenants removed from the VDOE website after 11/2/21.	Y (attached example A and link i below)
Rescinded	Diversity, Equity, Inclusion Audit Tool[ii] (Superintendent's Memo 280-20)	Rescinded 2/9/22	• Achieving equity, versus individual student achievement, is the emphasis. The guiding mission statement for the tool is, "Education Equity is achieved when we eliminate the predictability of student outcomes based on gender, zip code, ability, socioeconomic status or language spoken at home." • This is a main resource for EdEquityVA and included in multiple locations online, in memos, in trainings, and as part of the "roadmap to equity."	Y (link ii below)
Rescinded	Navigating EdEquityVA[iii]: Virginia's Roadmap to Equity (Superintendent's Memo 309-20)	Rescinded 2/9/22	• This is the foundational document that outlines EdEquityVA. • Resources permit and advance policies, programs, and activities that promote equitable outcomes for students versus opportunities.	Y (link iii below and example B)

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			• Promotes and permits teaching and leading social justice, systemic inequality, and anti-racist policies in ways that are consistent with critical race theory and without offering alternatives. • Shifts school culture from excellence and opportunity to equitable outcomes for all students.	
Rescinded	All Resources Included on VDOE's Culturally Responsive Website[iv]	Rescinded 2/15/22 or in-progress	• This is a resource included in EdEquityVA • The resources contain concepts that may be divisive and need to be reviewed in stakeholders. • Divisive concepts taught in the training including (but are not limited to): "redress" bias in the system; include "culturally responsive" efficacy in teacher evaluation; mitigate power imbalances; develop policy to advance "anti-racism;" be change agents for social justice and academic equity. • Generally promotes academic equity of outcomes versus equity of opportunities for all learners. • Advances using current discrimination to address previous discrimination. (Treating people differently based on race – to remedy previous discrimination.) • Evaluation of viable alternatives is underway and stakeholder groups will be engaged.	Y (link iv below)
Rescinded	Superintendent's Memo #050-19	Replaced on 11/19/21 and Rescinded 2/23/22	• The original memo was replaced by a memo with a disclaimer about CRT. • Reading lists advance the use of CRT in education.	Y (attached example C)
Rescinded	"Teaching 9/11"[v] EdEquityVA Web Series	Rescinded 9/2/22 in response to public criticism	• Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022.	Y (link v below) Time: 12:25
Parts rescinded and evaluating	Virginia L.E.A.R.N.S.[vi]	Rescinded 2/15/22	• Substantial focus on building an equitable culture to remedy the learning loss caused by COVID-19 and school closures. • "Equity checkpoints" are similar or identical to EdEquityVA audit tool and other resources. It states, "Education Equity is achieved when we eliminate the predictability of student outcomes	Y (link vi below)

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			based on gender, zip code, ability, socioeconomic status or language spoken at home."	
Rescinded and evaluating	Virginia Math Pathways Initiative (VMPI)	Rescinded 1/25/22	• Rescinded per EO1 • Initiative condensed three years of math into two and reduced advanced math options for some students. • The National Council for Teachers of Mathematics underpins VMPI and has advocated for equitable outcomes in math for students. From a document presented in January, 2021 to the VA state board, "Dismantling inequitable structures that challenge spaces of marginality and privilege are needed to ensure that every student is well prepared with the mathematical literacy they require and deserve…" • Initiative will be evaluated to ensure all VA students have access to a high quality math instruction. Some aspects of Virginia Math Pathways Initiative may be repurposed or utilized. • Note: VMPI was in a pilot phase. Rescinding the initiative did not end math instruction for any Virginia student.	Y (example D)

[i] https://www.doe.virginia.goved-equity-va/
[ii] https://www.virginiaisforlearners.virginia.gov/wp-content/uploads/2020/11/Navigating-EdEquityVA-Equity-Audit-Tool.pdf
[iii] https://www.doe.virginia.gov/edequityva/navigating-equity-book.pdf
[iv] https://www.virginiaisforlearners.virginia.gov/cultural-competence/
[v] "Teaching 9/11"
[vi] https://www.doe.virginia.gov/instruction/learns/

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Example A

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systemic racism)

The Basic Tenants of Anti-racist Education

A. Racism exists today, in both traditional and modern forms.
B. All members of society have been socialized to participate in racist systems.
C. White people benefit from racism, regardless of intentions.
D. The racial socialization of each member of modern society occurred without consent and doesn't make anyone a bad person.

Adapted from author Robin DiAngelo's book, White Fragility and the Urban Institute's, Structural Racism in America.

Terms and Definitions

VA-DOE-22-0316-B-001836

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Virginia's #EdEquityVA work is informed by literature, best practice, and research. Below are the resources the Office of Equity and Community Engagement references in the development of our work, as well as texts we recommend:

- **Walking the Equity Talk**: A Guide for Culturally Courageous Leadership in School Communities by John Roert Browne II
- **Culturally Responsive Teaching and the Brain** by Zaretta Hammond
- **The Dreamkeepers**: Successful Teachers of African American Children by Gloria Ladson-Billings
- **Culturally Responsive Teaching**: Theory, Research, and Practice (third edition) by Geneva Gay
- **Pushout**: The Criminalization of Black Girls in Schools by Monique W. Morris
- **We Want to Do More Than Survive**: Abolitionist Teaching and the Pursuit of Educational Freedom by Bettina Love
- **How to Be an Antiracist** by Ibram X. Kendi
- Pedagogy of the Oppressed by Paulo Freire
- Using Equity Audits to Create Equitable and Excellent Schools by Linda E. Skrla
- **Cultural Proficiency: A manual for School Leaders** by Randall B. Lindsey, Kikanza Nuri-Robins, Raymond D. Terrell, and Delores B. Lindsey
- **Race, Equity, and Education: Sixty Years from Brown** by Pedro Noguera, Jill Pierce, Roey Ahram
- **Courageous Conversations About Race: A Field Guide for Achieving Equity in Schools** by Glen Singleton
- **Foundations of Critical Race Theory in Education** by Edward Taylor and David Gillborn and Gloria Ladson-Billings
- **Making It: What Today's Kids Need for Tomorrow's World**
- **Four Hundred Souls – A Community History of African America, 1619–2019**
- **Cultural Proficiency – A Manual for School Leaders, 4th Edition**
- **Breakthrough Leadership – Six Principles Guiding Schools Where Inequity Is Not an Option**

Some of the links on the #EdEquityVA pages lead you to websites not associated with the Commonwealth of Virginia Department of Education. VDOE does not necessarily endorse the views expressed or the data and facts presented on these external sites. In addition, VDOE does not endorse or recommend any commercial products, processes, or services.

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Not secure | web.archive.org/web/20210911070639/http://www.virginiaisforlearners.virginia.gov/anti-racism-in-education/

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-A System Disrupted: COVID-19's Impact on Educational (in)Equity (Communities in Schools)

-Black Minds Matter: Interrupting school practices that disregard the mental health of Black youth (Teaching Tolerance)

-Educate to Liberate: Build an Anti-Racist Classroom (Edutopia)

-Anti-Racist Teaching: What Educators Really Think (Education Week)

-How to Be an Antiracist Educator (ASCD)

-Anti-racist Action for White Educators (Teaching Tolerance)

-Modern-Day School Segregation: Addressing the Lasting Impacts of Racist Choices on Virginia's Education System (The Commonwealth Institute)

-School Segregation by Boundary Line in Virginia: Scope, Significance and State Policy Solutions (Center for Education and Civil Rights and VCU School of Education)

-Training Bias Out of Teachers: Research Shows Little Promise So Far; Tips for Better Anti-bias Training (Education Week)

-Moving Schools Beyond Anti-Racist Words to Action (Education Week Teacher)

-Seizing the Moment: Race Equity Mindsets, Social and Emotional Well-Being, and Outcomes for Students (WestEd)

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Example B

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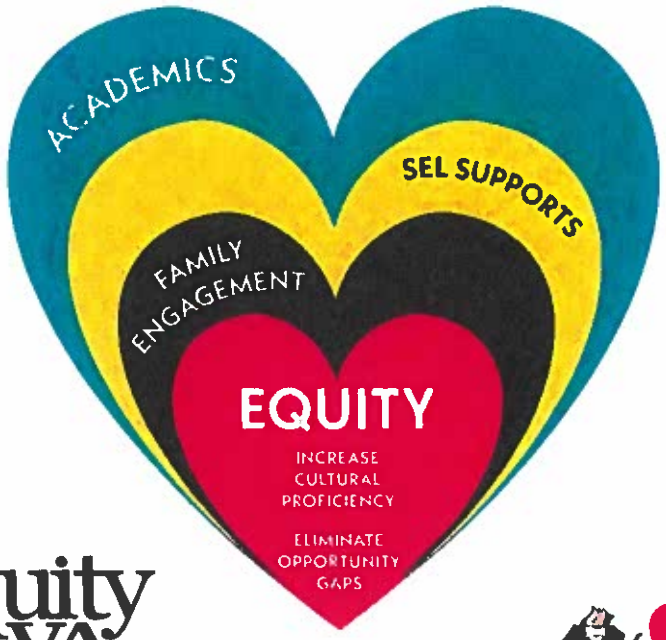
CENTERING EQUITY



EdEquityVA
VIRGINIA DEPARTMENT OF EDUCATION

VIRGINIA DEPARTMENT OF EDUCATION | VIRGINIA IS FOR LEARNERS

The Virginia Department of Education recognizes its responsibility to advance racial, social, and economic equity in education throughout the Commonwealth of Virginia. In partnership with the Virginia State Board of Education and Virginia's Secretary of Education we are committed to identifying and dismantling all iterations of racism and inequity that permeate our public education system.

Navigating EdEquityVA - Virginia's Road Map to Equity, establishes our education equity priorities, advances tools and resources to support local school divisions, and affirms our commitment to dismantle any and all forms of inequity in Virginia's public education system.

We remain steadfast in our commitment to the principles of anti-racism, cultural proficiency, resource equity, and high expectations for all students. Further, we recognize that Anti-racist education leaders are critical partners in our efforts to advance our broader equity priorities including; developing a culturally competent educator workforce, eliminating disproportionality in student outcome data, closing opportunity and achievement gaps among marginalized student groups, increasing access to high quality early learning opportunities, and maximizing the potential of every Virginia student.

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Example C

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COMMONWEALTH of VIRGINIA
Department of Education

DATE: February 22, 2019

TO: Division Superintendents

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

SUBJECT: Resources to Support Student and Community Dialogues on Racism

"My message is really that racism has no place in the hearts and minds of our children."
– Ruby Bridges, Civil Rights Activist[1]

School communities across the Commonwealth are engaging in dialogue around race, racism, and bigotry following the unacceptable and hurtful events that we learned about over the past few weeks. In this twenty-four hour news cycle, we know that our students continue to be inundated with racist images linked to Virginia's history of civil rights oppression. The recent revelations from some of our leaders have left our communities hurt and left our students seeking deeper understanding. Now more than ever, our joint commitment to supporting the social and emotional needs of Virginia's diverse student population is required. From our vantage point as educators, we must all join together to renew our commitment to equity and the elimination of racism of any kind from our public school experience.

Our commitment to advancing equity outcomes and fostering inclusive and welcoming environments for Virginia's students is resolute. As educators, we are uniquely positioned to be leaders in this effort. In the coming days, I encourage us all to take time to reflect on these events and the conditions that exist within our culture and communities that created space and place for these hurtful symbols to be perceived by some as acceptable. As education leaders – we have the opportunity and an obligation – to facilitate meaningful dialogue on racism and bigotry with our students, staff, and school communities.

Students of all backgrounds are experiencing a time in which social justice is at the forefront of their everyday lives. Having conversations related to issues such as race, racism, diversity and inclusion can be difficult and emotional experiences. The recent events in the Commonwealth bring the need for these discussions to the forefront. As educators, we can work together to shift

[1] Ruby was the first African-American child to desegregate the all-white William Frantz Elementary School in Louisiana during the New Orleans school desegregation crisis in 1960.

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the conversation from hate and hurt toward understanding and respect in our communities. This is a critical time for schools and families to work together to foster safe and supportive environments, to teach effective conflict resolution strategies, and to help children understand and manage their emotional reactions.

The compendium of resources provided in this document is intended to help support school divisions in engaging stakeholders in constructive dialogue around these issues with the ultimate goal of enhancing a climate that is welcoming, socially supportive, just, caring, nurturing, and respectful for all students, families, and school personnel.

Additionally, in schools across the Commonwealth, issues related to racially insensitive activities and behaviors have also been the focus of media attention. We encourage division superintendents to work with your faculty and school leaders to ensure that lessons are designed with racial sensitivity and cultural competence in mind. Finally, when students or staff engage in inappropriate and unprofessional conduct, we encourage your teams to take appropriate action to make it clear that racism will not be tolerated in our public schools and know that we will support your efforts.

In response to some educators' requests to also provide guidance on supporting students in understanding and respecting their own personal boundaries and those of others, in the coming days, we will distribute an additional memorandum that provides guidance and resources to school divisions about leading discussions with our students about:

- promoting healthy relationships within our schools and our communities; and
- preventing physical, sexual, and emotional violence in student relationships.

My office will be sending an email to superintendents with additional details about our previously planned **#EdEquityVA** webinar series in the near future. The webinar series is designed to deploy resources, facilitate discourse, and share strategies that promote and advance equity outcomes for all Virginia Students. For additional information on #EdEquityVA and the resources provided below or if your team needs any support, please contact Leah Walker, Director for the Office of Equity and Community Engagement at Leah.Walker@doe.virginia.gov.

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Resources for Teachers and Parents - Facilitating Classroom discussions

- From the **Association of Supervision and Curriculum Development (ASCD)** Resources for Addressing Racism and Hatred in the Classroom A compiled list of resources to help educators effectively discuss racism and hatred in the classroom.
- From **Teaching Tolerance** Teach About Blackface and Other Racist Halloween Choices This online lesson plan builder guides teachers towards building lessons to facilitate student dialogue and help students analyze costumes to see how they reinforce stereotypes.
- From **Teaching Tolerance** Learning Plan Builder This online lesson plan builder guides teachers towards building lessons around social justice standards aimed at prejudice reduction.
- From **Read Brightly** Books to help kids understand the fight for racial equality This is a list of books aimed at helping the reader to understand our Nation's history in its fight for racial equality.
- From **The National Education Association** Unite Against Hate! A list of resources for students, educators, and families as they engage in current national dialogue about racism, hate, and bias.
- From **The National Association of School Psychologists (NASP)** Resources on Understanding Bias and Privilege; Resources to Support Students in Stressful Times A list of resources identified by NASP to help school and families engage in constructive dialogue about the issues of race, privilege, prejudice, and power.
- From **The Anti-Defamation League (ADL)** After Charlottesville: Teaching about Racism, Anti-Semitism and White Supremacy This page provides relevant lessons, related curricula and additional anti-bias resources and strategies to teachers and parents/family members, discuss topics related to white supremacy, racism, anti-Semitism, domestic extremism, free speech, and others with young people.
- From **Facing History and Ourselves** Lesson Plans Resources on the Fight against Bigotry This website provides a lesson plan designed to help students probe themes about race, racism, and history.
- From PBS **Blackface Minstrelsy in Modern America** Teaching Guide: Exploring Blackface Minstrelsy in Modern America This teaching guide helps instructors use a specific primary source set, Blackface Minstrelsy in Modern America, in the classroom. It offers discussion questions, classroom activities, and primary source analysis tools.

Resources for School and Division Leaders

- **From EthicsUnwrapped, McCombs School of Business, University of Texas**
- Teaching Blackface: A Lesson on Stereotypes This case study examines an incident where a teacher was placed on administrative leave for showing a video on Blackface during a lesson on segregation in his US History class. Discussion question explore the complexities involved in teaching about stereotypes and racism.
- **From The Century Foundation's Report** A New Wave of School Integration: Districts and Charters Pursuing Socioeconomic Diversity This report addresses racial and socioeconomic segregation in schools. It highlights the work that schools are doing to promote integration.

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- From **The National Association of School Psychologists (NASP)** Resources for Building Trauma Sensitive Schools This online resource is aimed at providing educational leaders brief tips and policy recommendations for developing trauma-sensitive schools.

Dr. Lane's February Reading List
I have received several inquiries and requests for the latest literature that examines the issues associated with racial inequities in education. Below are several pieces that I and other members of the VDOE staff are reading this month based on recommendations that we have received.

White Fragility, by Robin DiAngelo.
Antiracist educator Robin DiAngelo illuminates the phenomenon of white fragility. Referring to the defensive moves that white people make when challenged racially, white fragility is characterized by emotions such as anger, fear, and guilt, and by behaviors including argumentation and silence. These behaviors, in turn, function to reinstate white racial equilibrium and prevent any meaningful cross-racial dialogue. In this in-depth exploration, DiAngelo examines how white fragility develops, how it protects racial inequality, and what we can do to engage more constructively.

Between the World and Me, by Ta-Nehisi Coates.
In a profound work that pivots from the biggest questions about American history and ideals to the most intimate concerns of a father for his son, Ta-Nehisi Coates offers a powerful new framework for understanding our nation's history and current crisis. Americans have built an empire on the idea of "race," a falsehood that damages us all but falls most heavily on the bodies of black women and men—bodies exploited through slavery and segregation, and, today, threatened, locked up, and murdered out of all proportion. What is it like to inhabit a black body and find a way to live within it? And how can we all honestly reckon with this fraught history and free ourselves from its burden? Between the World and Me is Ta-Nehisi Coates's attempt to answer these questions in a letter to his adolescent son. Coates shares with his son—and readers—the story of his awakening to the truth about his place in the world through a series of revelatory experiences, from Howard University to Civil War battlefields, from the South Side of Chicago to Paris, from his childhood home to the living rooms of mothers whose children's lives were taken as American plunder. Beautifully woven from personal narrative, reimagined history, and fresh, emotionally charged reportage, Between the World and Me clearly illuminates the past, bracingly confronts our present, and offers a transcendent vision for a way forward.

For White Folks That Teach in the Hood... and the Rest of Ya'll Too: Reality Pedagogy and Urban Education (Race, Education and Democracy), by Christopher Emdin.
Drawing on his own experience of feeling undervalued and invisible in classrooms as a young man of color and merging his experiences with more than a decade of teaching and researching in urban America, award-winning educator Christopher Emdin offers a new lens on an approach to teaching and learning in urban schools. Putting forth his theory of Reality Pedagogy, Emdin provides practical tools to unleash the brilliance and eagerness of youth and educators alike—both of whom have been typecast and stymied by outdated modes of thinking about urban education.

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No BS (Bad Stats): Black People Need People Who Believe in Black People Enough Not to Believe Every Bad Thing They Hear about Black People, by Ivory A. Toldson
What if everything you thought you knew about Black people generally, and educating Black children specifically, was based on BS (bad stats)? We often hear things like, "Black boys are a dying breed," "There are more Black men in prison than college," "Black children fail because single mothers raise them," and "Black students don't read." In *No BS*, Ivory A. Toldson uses data analysis, anecdotes, and powerful commentary to dispel common myths and challenge conventional beliefs about educating Black children. With provocative, engaging, and at times humorous prose, Toldson teaches educators, parents, advocates, and students how to avoid BS, raise expectations, and create an educational agenda for Black children that is based on good data, thoughtful analysis, and compassion. *No BS* helps people understand why Black people need people who believe in Black people enough not to believe every bad thing they hear about Black people.

Foundations of Critical Race Theory in Education, by Edward Taylor, David Gillborn, and Gloria Ladson-Billings
The emergence of Critical Race Theory (CRT) marked an important point in the history of racial politics in the legal academy and the broader conversation about race and racism in the United States. More recently, CRT has proven an important analytic tool in the field of education, offering critical perspectives on race, and the causes, consequences and manifestations of race, racism, inequity, and the dynamics of power and privilege in schooling. This groundbreaking anthology is the first to pull together both the foundational writings in the field and more recent scholarship on the cultural and racial politics of schooling. A comprehensive introduction provides an overview of the history and tenets of CRT in education. Each section then seeks to explicate ideological contestation of race in education and to create new, alternative accounts. In so doing, this landmark publication not only documents the progress to date of the CRT movement, it acts to further spur developments in education.

JFL/LDW

Given inquiries related to this memo, and to ensure readers understand the full context around its publication, the following supplemental note is provided by way of additional information.

This memo was issued in February 2019 as a compendium of resources and different perspectives for school division leaders who were navigating community conversations related to race. It is not a resource or directive for classroom teachers, nor does it reflect recommended or required student reading.

The resources listed and authors referenced represent a variety of viewpoints, and their inclusion does not necessarily represent a Department endorsement of expressed views and opinions.

Finally, because the Department has received many related inquiries, Critical Race Theory (CRT) is not included in the Virginia Standards of Learning, which comprise the content in each

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subject area that the commonwealth's school divisions are required to cover in their local curricula. Nowhere in the standards is there a requirement for schools to teach critical race theory, or to incorporate critical race theory when presenting required content.

As stated in the memo, the purpose of the document was to support division leaders as they further the shared goal of fostering schools that are welcoming and respectful of all students, families, and school staff.

-November 19, 2021

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Example D

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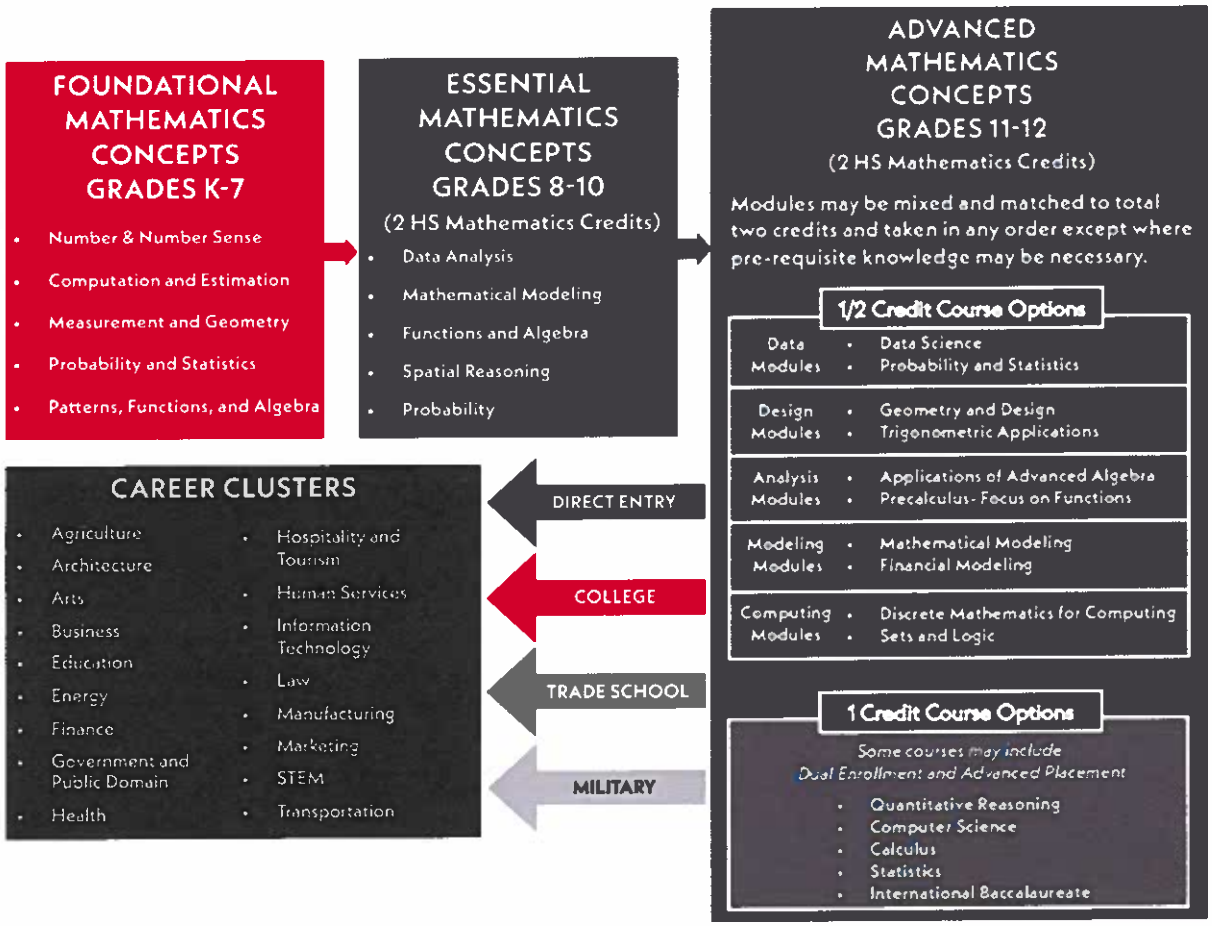
Follow the "Math Path"



VIRGINIA MATHEMATICS PATHWAYS INITIATIVE

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VA-DOE-22-0316-B-001849

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 10:30:13 PM
To: "Javaid Siddiqi" <Javaid.Siddiqi@hunt-institute.org>
Cc:
Subject: Fwd: Thank you and follow-up

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Balow, Jillian** <jillian.balow@doe.virginia.gov>
Date: Wed, Mar 9, 2022 at 5:52 PM
Subject: Thank you and follow-up
To: Ben Kiser <b.kiser@vassonline.org>, <ztalley@martinsville.k12.va.us>
Cc: Aimee Guidera <aimee.guidera@gov-elect.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>, Samantha Hollins <samantha.hollins@doe.virginia.gov>, Michael Bolling <michael.bolling@doe.virginia.gov>, Loving-ryder, Shelley <Shelley.Loving-Ryder@doe.virginia.gov>, Kent Dickey <Kent.Dickey@doe.virginia.gov>, Dave Myers <dave.myers@doe.virginia.gov>, Joan Johnson <joan.johnson@doe.virginia.gov>, Atkins, Rosa <rosa.atkins@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

Superintendent Talley, Executive Director Kiser,
Thank you for the productive meeting yesterday. Secretary Guidera and I appreciated the opportunity to visit with superintendents. We were encouraged by the conversation and next steps. Continued dialogue and a shared understanding about our work going forward is essential. In follow-up, here are action items:

- My team and I will seek input from superintendents as we develop the 90-day report required in Governor Youngkin's Executive Order #1. The report, among other things, will address #12 in the executive order. Closing Virginia's achievement gap is a goal for all of us.
- Direct communication is important. I will send a weekly update with a preview of superintendent's memos, federal updates, and other information for superintendents.
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I am confident our work together will continue to be productive and beneficial for all of Virginia's students.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/10/2022 9:57:17 AM
To: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Aimee Guidera" <aimee.guidera@governor.virginia.gov>
Cc:
Subject: Fwd: Thank you and follow-up

Attachments: image002.jpg ,Letter to Superintendent Balow.docx

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JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Ben Kiser** <b.kiser@vassonline.org>
Date: Thu, Mar 10, 2022 at 4:41 AM
Subject: Thank you and follow-up
To: Balow, Jillian <jillian.balow@doe.virginia.gov>, ztalley@martinsville.k12.va.us <ztalley@martinsville.k12.va.us>
Cc: Aimee Guidera <aimee.guidera@gov-elect.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>, Samantha Hollins <samantha.hollins@doe.virginia.gov>, Michael Bolling <michael.bolling@doe.virginia.gov>, Loving-ryder, Shelley <Shelley.Loving-Ryder@doe.virginia.gov>, Kent Dickey <Kent.Dickey@doe.virginia.gov>, Dave Myers <dave.myers@doe.virginia.gov>, ztalley@martinsville.k12.va.us <ztalley@martinsville.k12.va.us>, mgill@hcps.us <mgill@hcps.us>, midgettek@brunswickcps.org <midgettek@brunswickcps.org>, ssbrabrand@fcps.edu <ssbrabrand@fcps.edu>, jraley@glnd.k12.va.us <jraley@glnd.k12.va.us>, elie.bracy@portsk12.com <elie.bracy@portsk12.com>, wclemons@gc.k12.va.us <wclemons@gc.k12.va.us>, gregory.hutchings@acps.k12.va.us <gregory.hutchings@acps.k12.va.us>, ewbond@augusta.k12.va.us <ewbond@augusta.k12.va.us>, markmiear@mcps.org <markmiear@mcps.org>, tarbogast@gilesk12.net <tarbogast@gilesk12.net>, charles.berkley@k12lcps.org <charles.berkley@k12lcps.org>, sovined@fcpsk12.net <sovined@fcpsk12.net>, scalveric@ccps.us <scalveric@ccps.us>, rgraham@rcps.org <rgraham@rcps.org>, Joan Johnson <joan.johnson@doe.virginia.gov>, Atkins, Rosa <rosa.atkins@doe.virginia.gov>, Webb, Emily <emily.webb@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

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Howard B. Kiser (Ben), Ed.D.

Executive Director, VASS

P.O. Box 68

Batesville, Virginia 22924

b.kiser@vassonline.org

Office: 804-562-4430

Cell: 804-815-7661

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: Wednesday, March 9, 2022 5:52 PM
To: Ben Kiser <b.kiser@vassonline.org>; ztalley@martinsville.k12.va.us
Cc: Aimee Guidera <aimee.guidera@gov-elect.virginia.gov>; Jon Russell <jon.russell@doe.virginia.gov>; Richard Shanor <dicky.shanor@doe.virginia.gov>; Samantha Hollins <samantha.hollins@doe.virginia.gov>; Michael Bolling <michael.bolling@doe.virginia.gov>; Loving-ryder, Shelley <Shelley.Loving-Ryder@doe.virginia.gov>; Kent Dickey <Kent.Dickey@doe.virginia.gov>; Dave Myers <dave.myers@doe.virginia.gov>; Joan Johnson <joan.johnson@doe.virginia.gov>; Atkins, Rosa <rosa.atkins@doe.virginia.gov>; Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

VA-DOE-22-0316-B-001851

Subject: Thank you and follow-up

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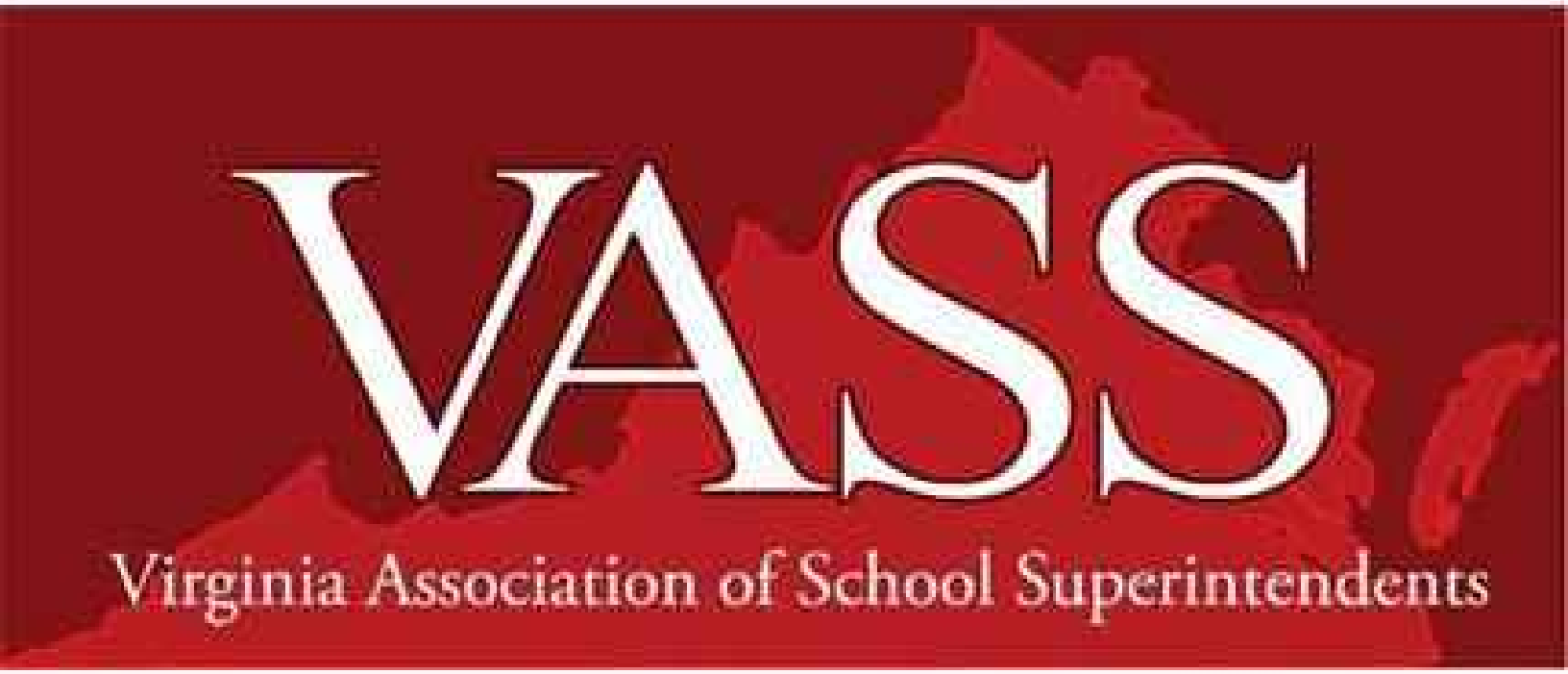
VIRGINIA DEPARTMENT ♥ F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Virginia Association of School Superintendents
P.O. Box 68 □ Batesville □ Virginia 22924
Phone (804) 562-4430

March 10, 2022

Superintendent Jillian Balow
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218

On behalf of 133 public school division superintendents, I am writing to thank you and Secretary Aimee Guidera for meeting with the VASS Board of Directors and its officers on Tuesday, March 8, to discuss your 30-day report to Governor Youngkin pertaining to his Executive Order #1.

As a follow-up to our conversation, I wanted to reiterate in writing key points that were shared by division superintendents and provide you a written request of aspirations going forward as to how your office and others can work with division superintendents to establish the collaboration and build the relationships that you and the Secretary both indicated were desired.

Virginia superintendents are the educational leaders who are responsible for legislative compliance, policy implementation, and the assurance of quality educational services delivered to children daily throughout the Commonwealth. School division superintendents, along with their communities, know best their curriculum, personnel, and student services, and they believe that gross assumptions have been made, without evidentiary support, in the development of the 30-day report.

Key Points to the 30-day Report

- Division superintendents and other stakeholder groups should have been consulted prior to the development of the 30-day report.
- Division superintendents disagree with your having rescinded much of the Ed Equity work by the Department of Education. This work had been completed by many quality educators over a number of years to provide support for the success of children in underserved communities and in select population groups.
- Division superintendents disagree with your assumption that discriminatory and divisive concepts have become widespread in Virginia school divisions without your having involved educators in formulating that position or without having provided evidence to support that position.
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- Division superintendents disagree with the administration's goal of "restoring excellence" in Virginia's public schools, since that implies an inaccurate assessment of Virginia's public education system currently and historically. Again, by most measures, Virginia ranks near the top and surpasses most states throughout the country.

Regarding the 90-day Report

- Establish a working group soon, which includes superintendent representatives from throughout Virginia and superintendents of color, to discuss the process, objectives, and data that will be incorporated in the 90-day report. As the Executive Director of VASS, I will be happy to assist in the facilitation with division superintendents.
- The agenda for this working group must include clarity on the administration's understanding of equity, opportunity, and access as they relate to serving all children, regardless of where they live.

Moving Forward

- Relevant and ongoing communications with division superintendents is needed. This includes the state leadership participating in VASS Conferences, dedicating at least 2 hours monthly for the State Superintendents Leadership Committee (SSLC), attending regional superintendents' meetings, and facilitating statewide virtual meetings to share and collect input on current and relevant issues. Sharing a plan in writing at the next SSLC meeting would be helpful.
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According to previous surveys, Virginia's parents generally support their local schools. Local education leaders, teachers, and all support personnel work daily with their communities in serving children. Public school division superintendents hope that state leaders will partner with local educators and understand that we are all working for the same customers, students.

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Howard B. Kiser
Executive Director, VASS

pc: Secretary Aimee Guidera
Virginia Board of Education

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/11/2022 2:15:57 PM
To: "Charles Pyle" <charles.pyle@doe.virginia.gov>
Cc:
Subject: Fwd: Thank you and follow-up

Attachments: image002.jpg ,Letter to Superintendent Balow.docx

---

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Date: Thu, Mar 10, 2022 at 4:41 AM
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Cell: 804-815-7661

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Sent: Wednesday, March 9, 2022 5:52 PM
To: Ben Kiser <b.kiser@vassonline.org>; ztalley@martinsville.k12.va.us
Cc: Aimee Guidera <aimee.guidera@gov-elect.virginia.gov>; Jon Russell <jon.russell@doe.virginia.gov>; Richard Shanor <dicky.shanor@doe.virginia.gov>; Samantha Hollins <samantha.hollins@doe.virginia.gov>; Michael Bolling <michael.bolling@doe.virginia.gov>; Loving-ryder, Shelley <Shelley.Loving-Ryder@doe.virginia.gov>; Kent Dickey <Kent.Dickey@doe.virginia.gov>; Dave Myers <dave.myers@doe.virginia.gov>; Joan Johnson <joan.johnson@doe.virginia.gov>; Atkins, Rosa <rosa.atkins@doe.virginia.gov>; Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
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AMERICAN OVERSIGHT

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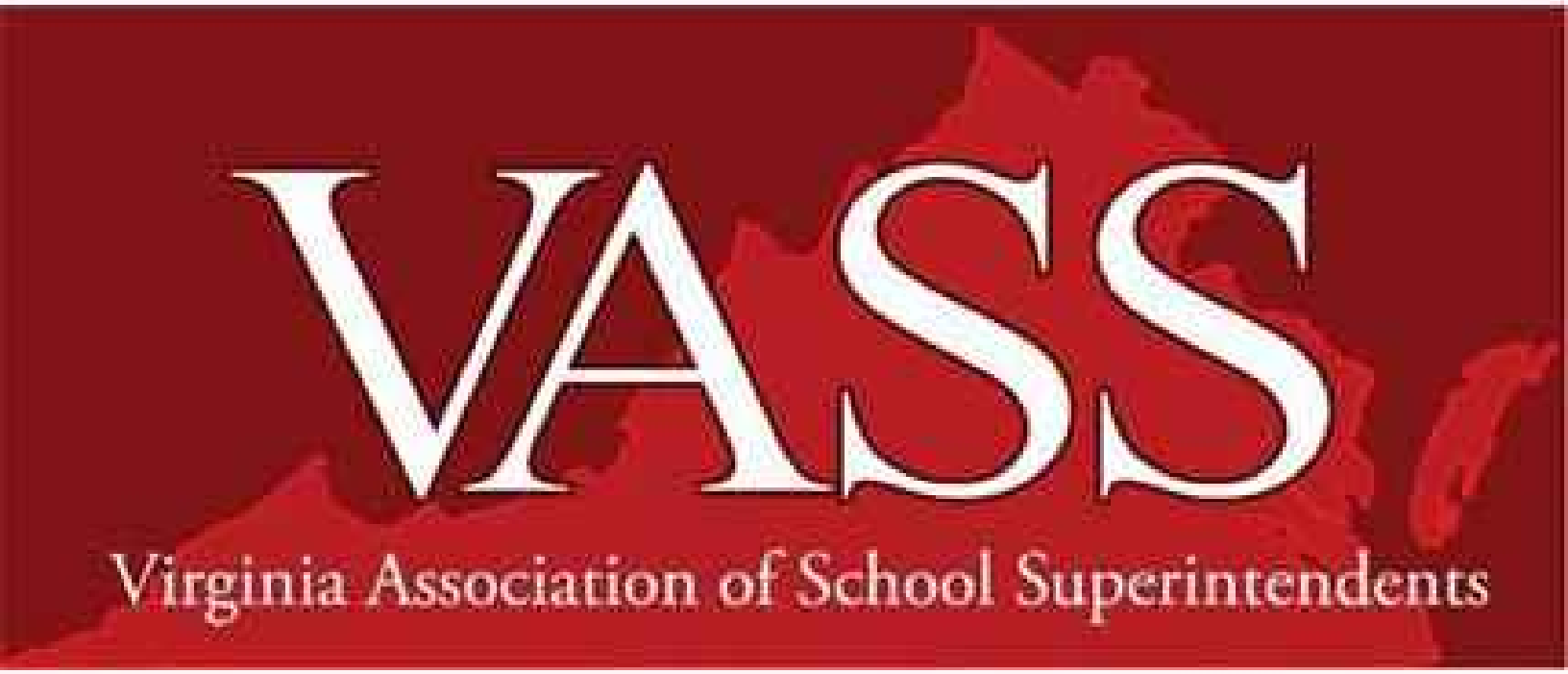
AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Virginia Association of School Superintendents
P.O. Box 68 □ Batesville □ Virginia 22924
Phone (804) 562-4430

March 10, 2022

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Virginia Department of Education
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Richmond, Virginia 23218

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Howard B. Kiser
Executive Director, VASS

pc: Secretary Aimee Guidera
Virginia Board of Education

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/10/2022 10:02:45 AM
To: "Aimee Guidera" <aimee.guidera@governor.virginia.gov>
Cc:
Subject: Fwd: Thank you and follow-up

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

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From: **Balow, Jillian** <jillian.balow@doe.virginia.gov>
Date: Wed, Mar 9, 2022 at 3:52 PM
Subject: Thank you and follow-up
To: Ben Kiser <b.kiser@vassonline.org>, <ztalley@martinsville.k12.va.us>
Cc: Aimee Guidera <aimee.guidera@gov-elect.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>, Richard Shanor <dicky.shanor@doe.virginia.gov>, Samantha Hollins <samantha.hollins@doe.virginia.gov>, Michael Bolling <michael.bolling@doe.virginia.gov>, Loving-ryder, Shelley <Shelley.Loving-Ryder@doe.virginia.gov>, Kent Dickey <Kent.Dickey@doe.virginia.gov>, Dave Myers <dave.myers@doe.virginia.gov>, Joan Johnson <joan.johnson@doe.virginia.gov>, Atkins, Rosa <rosa.atkins@doe.virginia.gov>, Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>

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AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/8/2022 7:34:35 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: VASS Board Meeting-Tuesday, March 8

Attachments: image003.jpg ,VASS Blueprint 2020.pdf

---

sharing this in advance of today's meeting.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Ben Kiser** <b.kiser@vassonline.org>
Date: Mon, Mar 7, 2022 at 6:20 PM
Subject: VASS Board Meeting-Tuesday, March 8
To: Guidera, Aimee <aimee.guidera@governor.virginia.gov>, jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>
Cc: Zebedee Talley <ztalley@martinsville.k12.va.us>, mgill@hcps.us <mgill@hcps.us>, midgettek@brunswickcps.org <midgettek@brunswickcps.org>, Brabrand, Scott S <ssbrabrand@fcps.edu>, Andy Stamp <a.stamp@vassonline.org>, Tom Smith <t.smith@vassonline.org>, Marcus Newsome <m.newsome@vassonline.org>, Fornash, Laura Worley <LFornash@mwcllc.com>, Liza Scallet <l.scallet@vassonline.org>, Bean, Jennifer <jennifer.bean@governor.virginia.gov>

Secretary Guidera

Superintendent Balow

Thank you again for meeting with the VASS Board tomorrow, Tuesday, March 8, from noon to 1:00 p.m. VASS President, Dr. Zeb Talley, Jr., Superintendent in Martinsville City Schools, will open the meeting and welcome you and the others. Dr. Talley will then ask Superintendent Balow the two questions below regarding the 30-day report pertaining to Governor Youngkin's Executive Order #1:

1. To our knowledge, division superintendents were not consulted in reviewing content or in the development of the 30-day report to the Governor. In fact, division superintendents received the report by way of the press. How will you involve division superintendents in other aspects of educational services for children moving forward?
2. Division superintendents have worked with the Virginia Department of Education, the Secretary's office and their own school communities for several years in ensuring equitable services and support for all children, no matter where they live. How does transitioning from equity to opportunity ensure that all children will receive the services and support they need, regardless of where they live?

Following the responses to the questions above, VASS board members will share their perspectives and questions as well for both of you to respond. We hope tomorrow will be the first of many conversations with superintendents as we all strive daily to best serve children.

I am also attaching the latest VASS Blueprint for Achieving Equity in Virginia's Public Schools. Again, we look forward to tomorrow.

Howard B. Kiser (Ben), Ed.D.

Executive Director, VASS

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Batesville, Virginia 22924

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Office: 804-562-4430

Cell: 804-815-7661

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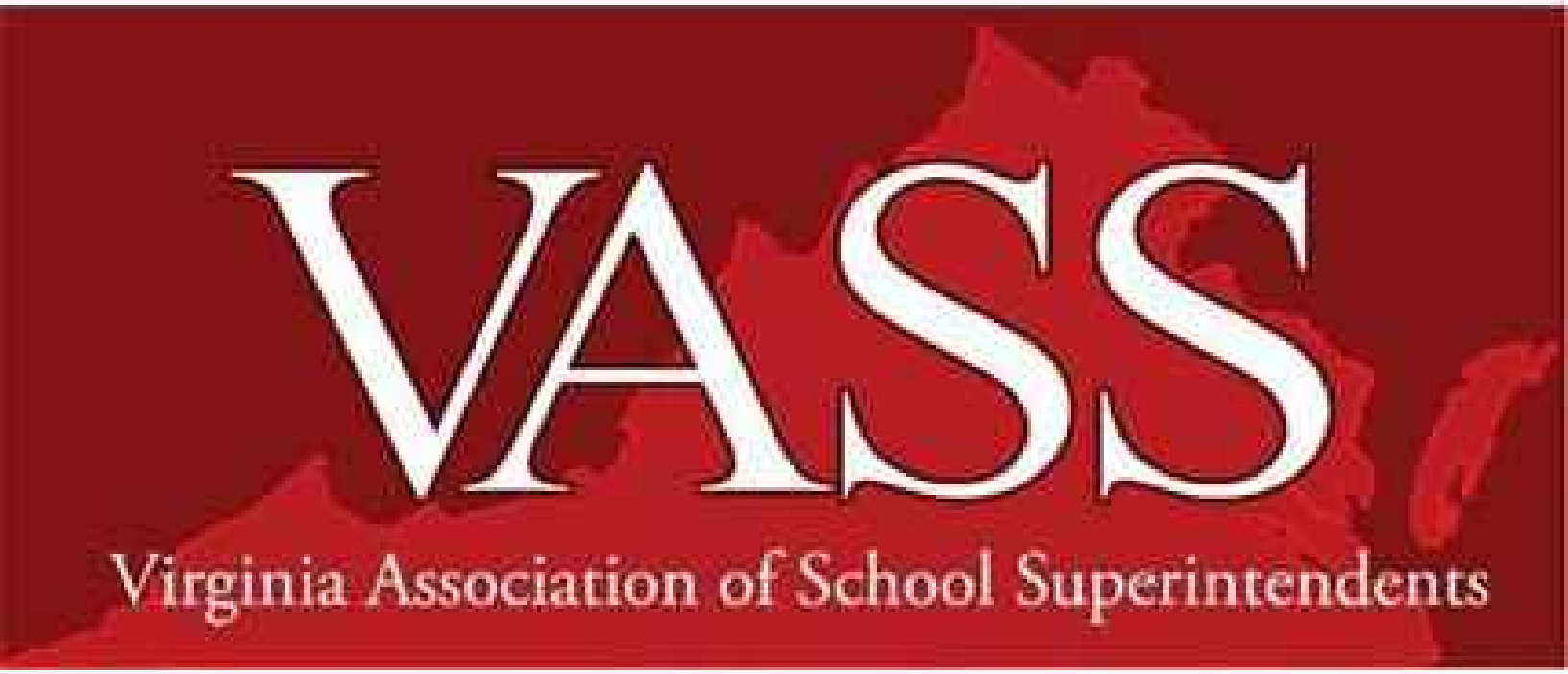

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Blueprint for Achieving equity in Virginia's Public Schools 2020

VASS
Virginia Association of School Superintendents

LEGISLATIVE OVERSIGHT

VA-DOE-22-0316-B-001864

No issue is more urgent in public education than **achieving and ensuring equity in student learning** throughout the Commonwealth of Virginia.

Equity is a multifaceted issue that reflects variability in both geographic location and student demographics across the Commonwealth, as well as per pupil expenditures and students' access to the full range of instructional content and programs essential to success after graduation, regardless of where a student lives. As leaders of public education, we must take a comprehensive approach to achieving and ensuring an equitable education for all students in Virginia so that race, ethnicity, socioeconomic status, special education status, learning ability level, family circumstances, culture, and gender identity are no longer predictors of success. The Commonwealth can achieve these systemic improvements by ensuring that all students have what they need, exactly when they need it, to be successful in school. In order to accomplish this, we must be deliberate in providing the appropriate supports, removing barriers, creating needed learning environments, closing current gaps in opportunity, and changing the current level of educational funding that will ensure equitable opportunities for all students.

During 2019, VASS members identified five primary areas of focus that will define organizational efforts for change and safeguard a relentless commitment to equity for all students. These primary areas of focus are: accountability, public education funding, Profile of a Virginia Graduate, social and emotional learning, and teacher shortage. In each of these areas, VASS members thoughtfully crafted goals, objectives, and strategies framing equity as the critical decision-making lens that will help educators and communities navigate the roadmap to success for all students. We invite you to explore this Blueprint for Equity and join education leaders across the Commonwealth in shaping the future.

BACKGROUND

Since 2011, the Virginia Association of School Superintendents (VASS) collaborated to develop two comprehensive guiding documents to help lead and shape the future of education in the Commonwealth. The first document, ***VASS' Blueprint for Public Education, Bringing Reason to Reform***, was adopted in 2011. The second document, ***VASS' New Blueprint for the Future of Public Education***, was adopted in 2015. Both blueprints outlined specific goals, objectives, and strategies in focus areas to ensure that Virginia's public schools would be positioned to effectively and efficiently provide high quality learning to meet the demands of a rapidly changing world.

Since that time, VASS' voice, through the blueprints, have affected positive changes to policies and legislation to improve the delivery of education services throughout Virginia. Included in those changes have been the Virginia Department of Education launching the Virginia is for Learners initiative, which encourages a statewide focus on early learning experiences and a deeper approach to learning that emphasizes the application of content knowledge in the context of real-world problem solving and skills essential to the future of work in a global economy. The Profile of a Virginia Graduate, Virginia's newly adopted model of state and local accountability, reframed the high school experience to de-emphasize standardized testing and to expand exposure to life-changing career experiences that better prepare graduates for what comes next.

VASS' members who served on the Blueprint Workgroup committees, along with the entire VASS membership consisting of 133 school division superintendents and the superintendents of the Virginia School for the Deaf and Blind and the Virginia Juvenile Services Education Program, have worked diligently throughout 2018-2019 to create this document, ***VASS' Blueprint for Achieving Equity in Virginia's Public Schools.*** Through this Blueprint, VASS enlists the Virginia Department of Education, the Virginia State Board of Education, the Virginia General Assembly, the Virginia Chamber of Commerce, and all other education associations and stakeholders in affirming that providing an equitable education for every student is the Commonwealth's most valuable mechanism for reducing poverty, addressing racial disparity, building thriving communities, and sustaining economic advancement for all Virginians.

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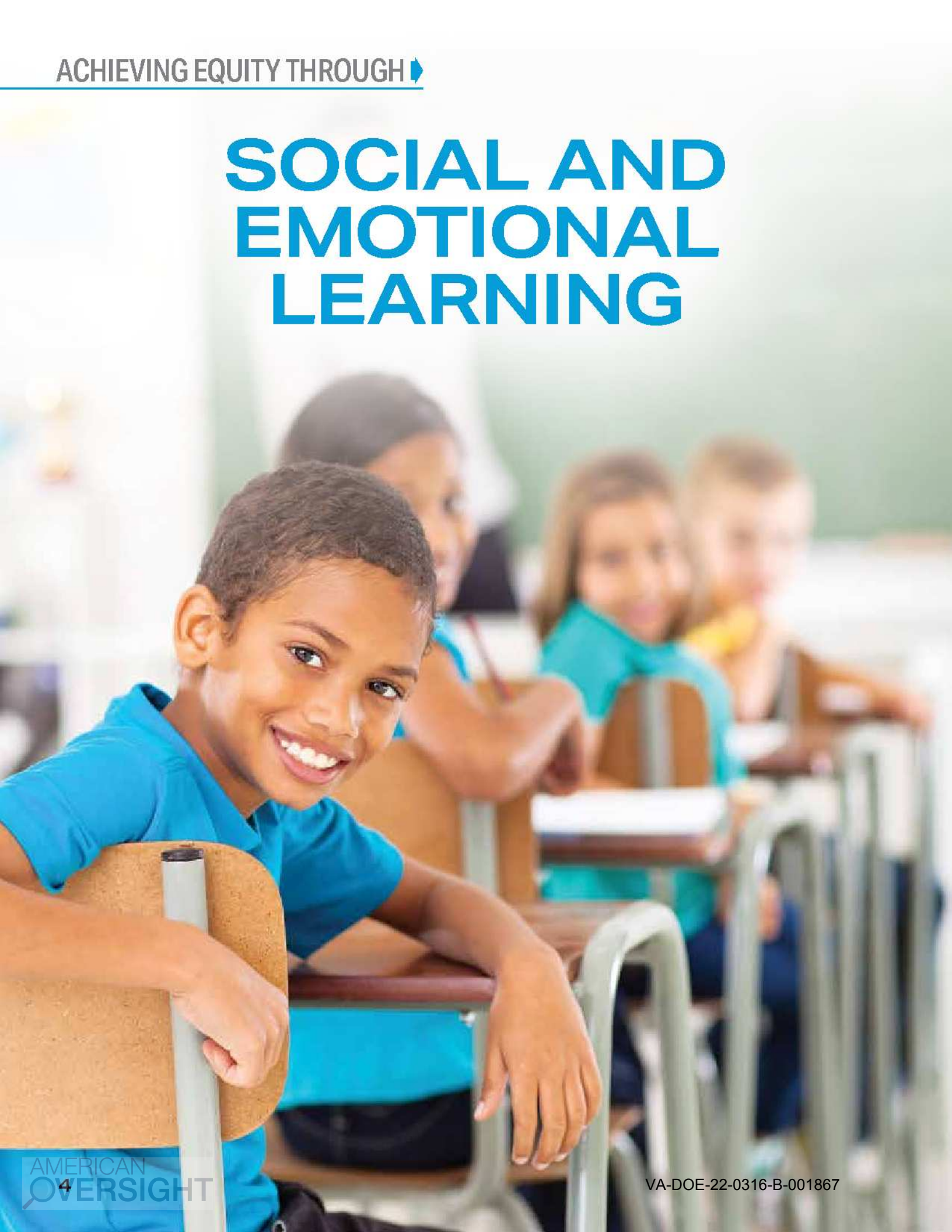
SOCIAL AND EMOTIONAL LEARNING



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The link between a student's academic achievement, social and emotional well-being, regular school attendance, and safe learning environments is well documented. A student's social and emotional development also has a long-term impact on his/her ability to succeed not only in school, but also in future career and life endeavors. When Social and Emotional Learning becomes integral to school culture, regardless of level, it impacts the formal and informal interactions among students, across every classroom, in informal settings (hallways, bathrooms, outdoor areas) that exist in every school and our communities. *The Collaborative for Academic, Social and Emotional Learning (CASEL)* indicates that Social and Emotional Learning is "how children and adults learn to understand and manage emotions, set goals, show empathy for others, establish positive relationships, and make responsible decisions." ("SEL Impact" n.d.) The research has been so clear that a multitude of professional organizations, such as the National Dropout Prevention Center and the National Association for the Education of Young Children, have included social and emotional learning as a cornerstone of their efforts in addressing inequities.

School communities that implement evidence-based practices and programs that support Social and Emotional Learning show academic achievement test score improvements of 11-17 percentile points according to CASEL. In addition, CASEL research indicates:

"SEL programs improved students' social and emotional skills, attitudes about self and others, connection to school, positive social behavior, and academic performance; they also reduced students' conduct problems and emotional distress. Comparing results from these reviews to findings obtained in reviews of interventions by other research teams suggests that SEL programs are among the most successful youth-development programs offered to school-age youth." (Payton and Weissberg, n.d.)

GOAL

All Virginia public schools will implement a systematic, multi-tiered, PK-12 support system that equips students with competencies to appropriately manage emotions, develop healthy relationships, achieve personal and academic goals, exhibit constructive decision making, and demonstrate responsible behaviors essential to meeting the goals set forth in the Virginia Profile of a Graduate so students can live productive and satisfying lives.

OBJECTIVES AND STRATEGIES

Objective 1

By 2021, update Standards of Quality formulas to reflect staffing roles needed to enable school divisions to provide multi-tiered support systems for students who experience adverse childhood experiences (i.e., ACES) and to aid in developing school-wide cultures of caring through implementation of social and emotional learning (SEL) best practices and programs.

Strategies

- Through a comprehensive state-wide survey of school divisions, identify and assess current SEL needs of Virginia's public schools. Utilize this data to develop recommendations for additional staffing required to address the growing social and emotional needs of Virginia's student population. Such recommendations should provide divisions flexibility in how positions are utilized so they are able to address division-specific needs in providing appropriate SEL supports.
- Articulate SEL staffing roles that school divisions identify and report to VDOE for funding allocations including, but not limited to, Board Certified Behavioral Analysts (BCBAs), School Psychologists, School Social Workers and School Counselors.
- Identify and prioritize state funding mechanisms to support designated SEL staffing positions.

Objective 2

By 2021, develop a statewide repository of evidence-based practices and curated resources key to understanding and implementing high quality social and emotional learning support systems. These resources should provide flexibility to meet individual division needs.

Strategies

- Partner/Collaborate with organizations experienced in implementing successful SEL programs such as CASEL, AASA SEL Cohort, ("AASA: The School Superintendents Association" n.d.) the National Commission on Social, Emotional, and Academic Development (Nation at Hope Report recommendations), (Admin 2017) and the American Institutes for Research ("Center on Great Teachers & Leaders - at American Institutes for Research" n.d.).
- Assist school divisions in identifying and developing partnerships with state and local entities, both public and private, to ensure that high-quality resources, support services and programs are available to aid school divisions in addressing the social and emotional/mental health needs of students both in their school and local community settings.
- Provide competitive grant opportunities that allocate funding for public/private partnerships to promote collaboration and grow the availability of high quality SEL support services provided to all Virginia students, including intervention to provide social and emotional support for students dealing with the traumatic impact of racism and discrimination.

A student's social and emotional development has a long-term impact on their ability to succeed, not only in school, but also in future career and life endeavors.

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Objective 3

By 2021, divisions will be financially incentivized to create a comprehensive, multi-tiered SEL plan that includes public-private partnership and interagency cooperation to enable school divisions to recognize and respond to adverse childhood experiences (ACES) and address student social, emotional and mental health needs.

Strategies

- Identify high quality, effective, school-based SEL programs that can serve as models to aid school divisions in developing their own comprehensive, multi-tiered plan to address the social and emotional/mental health needs of their student population.
- Provide incentive grants to support innovative programs and/or approaches to address differentiated student mental health needs that include support for students dealing with the traumatic impact of racism and discrimination, develop positive behavioral supports and foster the implementation of restorative disciplinary practices and programs.

Objective 4

By 2021, create a statewide training plan for staff, students, and parents including a method for assessing where individual divisions are in the implementation of a multi-tiered system of SEL and supports needed to effectively implement plans.

Strategies

- Conduct an ongoing needs assessment to help school divisions evaluate the progress and effectiveness of their multi-tiered SEL support plan in meeting the SEL/mental health needs of their student population. Use these data to leverage additional resources and funding needed to support student mental health needs.
- The Virginia Department of Education will take the lead in developing online training resources to assist school personnel in recognizing and supporting students who have experienced adverse childhood experiences (ACES) and building a culture of caring in their classrooms and schools.

MEASURES OF SUCCESS

- ✓ Changes in the Standards of Quality (SOQ) staffing formula and funding model that provide greater support and local flexibility for positions that are directly related to student social and emotional well-being.
- ✓ Availability on the Virginia Department of Education website of a statewide repository of best practices and resources foundational to Social and Emotional Learning.
- ✓ Virginia Department of Education-sponsored training provided at multiple locations around the state on strategies to help divisions develop and implement a multi-tiered continuum of scaffolded social and emotional support.
- ✓ Creation of a Virginia Department of Education committee with school division representatives to begin the process of recognizing the proven interdependency of academic success and SEL by integrating SEL instruction into SOL content areas.
- ✓ Increased opportunities for school divisions to apply for grant funding to support innovative approaches and programs to support students' social, emotional, and academic development.
- ✓ Changes in division and regional alternative education programs that demonstrate an increased focus on restorative practices and social and emotional learning.

The research has been so clear that a multitude of professional organizations have included social and emotional learning as a cornerstone of their efforts in addressing inequities.

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ACCOUNTABILITY

Traditional accountability metrics have focused exclusively on standardized, multiple choice testing. After more than a quarter century of high stakes testing, achievement gaps between students within race, ethnic, socio-economic status and special education categories persist. As we envision a new blueprint for the Commonwealth of Virginia, accountability should broaden its scope and seek to measure students on multiple dimensions in order to capture the richness of our diversity. At the same time, our accountability system should focus on the dimensions of human development and growth, in addition to a fixed point of "proficiency."

The new focus on skills and dispositions with Virginia's Profile of a Graduate gives Virginia a unique opportunity to expand the scorecard beyond knowledge to include accountability metrics that take into account skills and career readiness. While we recognize that knowledge is an essential component of schooling, we believe the scope of work in public education must include the holistic human development of our children.

Literacy remains a cornerstone of public education's purpose, however, as we prepare students for a world we cannot fully conceptualize, public education must embrace and be accountable for the development of the whole child. Our graduates need more than knowledge; they must have the skills and dispositions to be self-determined, productive, and culturally fluent adults.

With a broader scope of accountability, we believe more children will be able to demonstrate their strengths. Equitable outcomes will be more evident as we broaden our focus from a knowledge-only priority to a culture that includes other attributes that determine future success.

GOAL

Develop a holistic accountability system that measures knowledge, skills, and dispositions, so that our students are equipped to thrive in a global, ever-changing, and interactive world. The system should also include student growth measures that support a growth mindset for students.

OBJECTIVES AND STRATEGIES

Objective 1

Develop a comprehensive assessment system that accurately measures both student growth and student mastery of key skills identified by the VDOE in the Profile of a Virginia Graduate (i.e., knowledge, skills, and career readiness).

Strategies

- Focus on assessing early literacy to ensure students are kindergarten ready and reading on grade level by the end of grade 3.
- The state assessment system should include both multiple choice and authentic, common, performance-based assessments that accurately measure both knowledge and skills (5 Cs).
- Includes a holistic view of student success in areas such as the fine and performing arts, student leadership, world languages, and workplace readiness, and provide school divisions with the flexibility to use these experiences to meet state requirements.
- Accurately measures student growth in literacy and mathematics in grades 3-8.
- Continue to limit the number of required assessments at the high school level to focus on the most essential measures to determine student college, career, and citizenship readiness.

Objective 2

Create the comprehensive assessment system in a manner that supports student readiness and personalized learning.

Strategies

- Support assessment windows that allow students to participate in assessments when ready rather than waiting for prescribed testing windows.
- Allow students to meet high school requirements early so that they can participate in workplace readiness opportunities (i.e., internships, service projects, practicums).

MEASURE OF SUCCESS

✓ Develop a balanced, comprehensive, and fair system of accountability that is holistic in nature, and improves student outcomes related to academic, social and emotional development, as well as post-secondary and career readiness. Multiple measures should be employed, which allows each student to maximize their potential in order to be successful in a global economy.

ADDRESSING THE TEACHER SHORTAGE

Virginia school divisions throughout the Commonwealth, regardless of size, rural or urban, or demographics, face a growing shortage of qualified teachers. Teacher shortages have long existed in the state, but the issue has become increasingly severe in the sheer number of unfilled positions, the breadth of subject areas that are hard to staff, and the diversity of teachers relative to the student body. The 2017 Preliminary Report from the Advisory Committee on Teacher Shortage in Virginia reports alarming data on the number of unfilled teacher positions across the state that has increased by 40 percent over the past 10 years (from 760 to 1,080) and has reached crisis proportions in many divisions—especially those with high levels of poverty. For example, two months before the 2017 school year began, the city of Petersburg had 142 unfilled teaching positions out of a total of 400, which equals more than one-third of their professional teaching staff. Additionally, the number of minority teachers has not kept pace with increasingly diverse student populations. Currently, 79 percent of Virginia teachers are white, but non-white students make up 49 percent of Virginia's student population. This disparity is larger than the disparities in the Commonwealth's regional counterparts. ("Preliminary Report from the Advisory Committee on Teacher Shortages" 2017)

Mid-career teachers may switch to new careers as a result of stress, salary considerations, or simply for a new experience. ("Teacher Turnover: Why It Matters and What We Can Do About It" n.d.) Schools of Education show substantial declines in enrollment. The significance of this is on the minds of school boards, superintendents, school administrators, parents, and universities. Shortages are occurring in more subject areas than just mathematics, special education, and career and technical education, which have historically been hard to staff.

GOAL

Ensure all students statewide have access to effective teachers who will prepare them to be citizenship, post-secondary, and workforce ready for their futures.

Today, shortages have also become severe in subjects such as world languages, English as a Second Language (ESL), English, dual enrollment courses and even elementary.

All students deserve to have access to effective teachers. The teacher shortage exists as both a "quantity issue" and a "quality issue." It is an issue of "quantity" because school districts across the Commonwealth struggle to find individuals who meet current licensure requirements to cover classrooms. It is also an issue of "quality" since superintendents are not satisfied with merely filling classrooms with teachers who happen to check the licensure box. They work toward the ideal of having teachers who are knowledgeable, culturally competent, skillful, and passionate about what they teach and whom they teach. They seek dedicated professionals who believe that all students can and will learn and are passionate about their responsibility in ensuring this. Legal, regulatory, and policy barriers to recruiting and retaining effective teachers must be removed. Barriers to hiring teachers (recruitment) and keeping teachers (retention) exist by law, regulation, and policy. Although some steps have been taken to improve the teacher licensure process with respect to reciprocity and provisional licensure, the need still exists for modernization which would hopefully streamline and expedite the process for obtaining licensure.

OBJECTIVES AND STRATEGIES

Objective 1

By 2022, attract an adequate number of qualified and diverse candidates into the teaching profession to appropriately staff positions in every Virginia public school.

Strategies

- Increase teacher pay to correlate with the state's national ranking regarding measures of wealth.
- Expand the eligible participants and increase funding for loan forgiveness programs such as Virginia Teaching Scholarship Loan Program.
- Launch "Virginia is for Teachers" marketing campaign with prospective teachers as the audience.
- Make public aware of the shortage through an information campaign.
- Create public service announcements that promote teaching as a fulfilling career, especially to students of color in Virginia's Historically Black Colleges and Universities (HBCUs).
- Establish a common teacher application across the state.
- Revert back to the VRS Plan 1 Status of the defined benefit model and eliminate the VRS Hybrid Model, which gives less ability to retire after 30 years.

Objective 2

By 2022, attract talented, high-performing, and diverse candidates into the profession.

Strategies

- Increase teacher pay to correlate with the state's national ranking regarding measures of wealth.
- Expand eligible participants and increase

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funding for loan forgiveness programs, such as Virginia Teaching Scholarship Loan Program.

- Launch Virginia is for Teachers marketing campaign with prospective teachers as audience.
- Make public aware of the shortage through an information campaign.
- Emphasize the teaching profession's impact and societal value to attract millennials.
- Identify ways to increase social status of teaching profession.
- Create public service announcements that tout how teaching can be a fulfilling career.
- Market the profession to attract a more diverse workforce being trained through HBCUs (i.e., Hampton University, Virginia State University, Virginia Union, Norfolk State University, and Virginia University in Lynchburg) to better reflect community demographics.

Objective 3

By 2021, create multiple pathways to teacher licensure at the state and local level.

Strategies

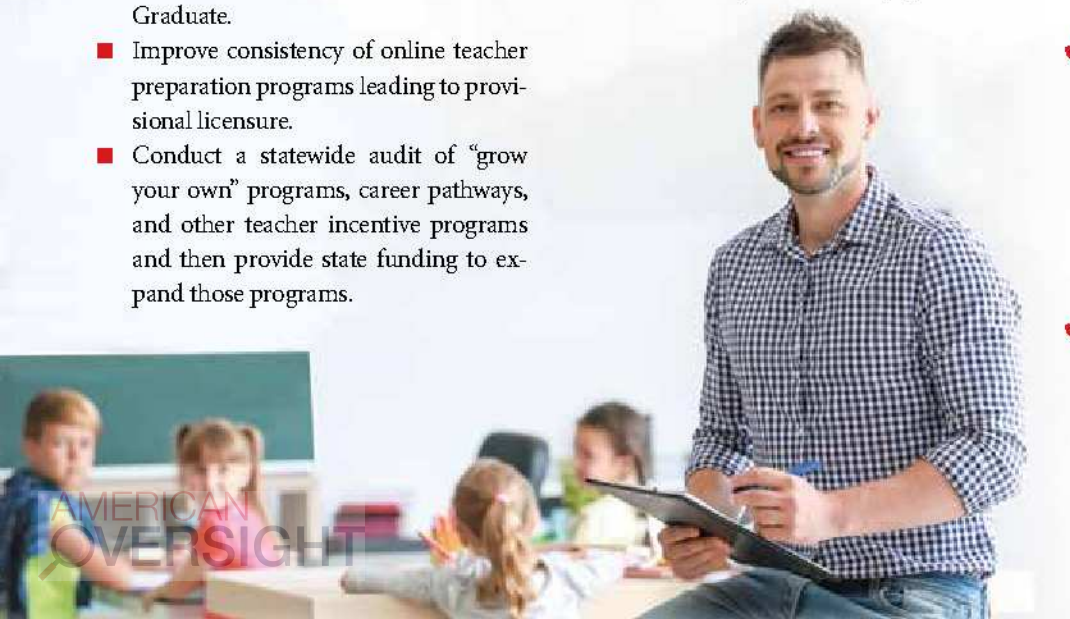
- Provide superintendents/school boards local flexibility to hire teacher candidates through local licensure waivers based upon successful teaching in the first year.
- Improve consistency and quality of pre-service teacher preparation programs and their alignment to Virginia's Profile of an Educator, Classroom and Graduate.
- Improve consistency of online teacher preparation programs leading to provisional licensure.
- Conduct a statewide audit of "grow your own" programs, career pathways, and other teacher incentive programs and then provide state funding to expand those programs.

Objective 4

By 2025, retain no less than 80 percent of quality teachers in the profession after 5 years.

Strategies

- Develop, implement, and monitor a comprehensive, statewide mentorship model that facilitates reflective practice, enhances skills and knowledge, and promotes collaboration and collegiality.
- Offer effective and ongoing professional development that involves teacher collaboration, constructive feedback, universal design for learning, literacy across curriculum, culturally responsive teaching, and promoting student agency.
- Improve working conditions at the classroom and school level (i.e., class size, discipline procedures, behavioral supports, teacher supplies, etc.).
- Provide effective principal leadership grounded in vision, communication, instructional expertise, human resource management, stakeholder engagement, cultural competence, and student achievement.
- Revise the teacher evaluation system to reflect a model of professional growth: reflection, feedback, and revision.
- Research a tiered, compensation system that recognizes instructional mastery, teacher leadership, student growth, and stakeholder engagement.
- Research and implement a differentiated compensation system for localities with high need demographics.



MEASURES OF SUCCESS

- ✓ Average teacher salaries will be at or above the national average by 2022 without requiring a local match. Currently, Virginia ranks 33rd in the nation. (Sarte et al. 2019)
- ✓ Average teacher salaries will reflect the current fiscal capacity of Virginia when compared to other states. (Virginia ranks 18th in "Per capita gross domestic product by state," so the average teacher salary should rank at least 18th in the nation.) (Sarte et al. 2019)
- ✓ Multiple marketing and branding strategies will be used by the Virginia Department of Education to attract an increased quantity and quality of teachers to the Commonwealth, particularly in hard-to-fill positions.
- ✓ Legislation will result in multiple actions to attract and retain teachers including reversion to VRS Plan I in the defined benefits model, loan forgiveness, and local licensure waivers.
- ✓ Implementation of grow-your-own programs will be supported by the Virginia Department of Education and successful programs will be shared with all divisions.
- ✓ Percent of quality teachers retained after 5 years will increase to 80 percent, particularly in divisions with the greatest percentage of hard-to-fill positions and/or low retention rates of novice teachers.
- ✓ Educator preparation programs in Virginia's community colleges and universities will be revised to reflect the practices and pedagogies that are foundational to implementation of the Profiles of a Virginia Graduate, Teacher, Classroom, and Leader.
- ✓ Working conditions data will be collected and used as one indicator to consider in addressing priorities relevant to school staffing.
- ✓ A statewide professional learning process will be implemented to reflect effective and ongoing professional development that involves teacher collaboration, relevant learning, constructive feedback, cultural competence, and opportunities for service to the community and the profession based upon intrinsic beliefs.
- ✓ A tiered compensation plan will address the critical need to provide salaries and benefits that are representative of teaching as a profession for teachers in every school division.

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THE PROFILE OF A VIRGINIA GRADUATE

The adequate and equitable distribution of educational resources in all school divisions is critical to preparing high school graduates to take their place as active participants in a globally driven and increasingly complex technological world. This preparation will not happen by chance. By providing effective and relevant learning in the classroom, the workplace, and the community, Virginia will ensure the potential of all students to be successful after they graduate from high school.

According to the Virginia Chamber of Commerce, "The availability of a well-trained and educated workforce remains the top concern for Virginia's business community, and with good reason. Companies need people with the right skills to help them grow, thrive, and prosper. Over the next eight years, Virginia can build its supply of talent through a deliberate focus on creating closer connections to the business community and jobs throughout its education system. These connection points include work-based learning experiences, the development of career exploration tools, and business involvement in the design of education and training programs." ("Blueprint VA 2025" 2017)

In the Virginia Chamber of Commerce Blueprint Virginia 2025, a Key Priority was established to address that "Less than half of high school students, only 45 percent, felt positively about their college and career readiness." ("Blueprint VA 2025" 2017) Youth Truth, a National Non-profit, National Student Survey reported: "Virginia's educational attainment is slightly above the national average in terms of individuals with a high school education ("Youth Truth Student Survey" n.d.). In 2015, Virginia ranked 28th in the nation for the percentage of its adult population (25 years or older) with at least a high school education" ("Virginia Performs: Measuring What Matters to Virginians" 2016).

GOAL

All Virginia school divisions will ensure that Virginia graduates will leave school "life ready" and prepared for lifelong success by: Achieving and applying academic and technical knowledge; Demonstrating workplace skills, qualities, and behaviors; Building connections and valuing interactions with others as a responsible and responsive global citizen; and Aligning knowledge, skills, and personal interests with career opportunities.

Recent data on student engagement in schools reported by Gallup, shows that students' self-reporting of disengagement in school is at its lowest in elementary school (25 percent) and highest in high school (77 percent) (Hodges 2018). Even more disturbing are the Gallup data on teacher engagement that shows teachers report a high level of disengagement themselves (69 percent). (Hastings and Agrawal 2015)

The Profile of a Virginia Graduate can only be attained by students in our schools through a substantive increase in active engagement among students and teachers. This begins with the commitment of leaders in our schools, communities, and government to supporting the changes essential to creating challenging, interesting, and relevant learning experiences and use of instructional practices and assessments that actively engage learners in problems and projects that are relevant, matter and make sense to them.

OBJECTIVES AND STRATEGIES

Objective 1

Through partnerships with the Virginia Board of Education, the Virginia General Assembly, local school divisions, and institutions of higher education, curriculum and instruction will be aligned with the Profile of a Virginia Graduate to ensure the 5 Cs (Critical Thinking, Creative Thinking, Citizenship, Communication and Collaboration) are embedded in K-12 curriculum.

Strategies

- Ensure that the 5 Cs will be embedded in the state Standards of Learning when they are reviewed and updated at the state level (Virginia Board of Education).
- Assist divisions to unpack curriculum, provide pacing guides, promote collaboration among teachers (Virginia Department of Education), and develop non-standardized, alternative assessments to measure the success of the 5 Cs.
- Ensure funding is provided for resources needed by all students to facilitate the work in the area of curriculum and instruction in support of the Profile of a Graduate (Virginia Department of Education).
- Build partnerships with the Virginia Department of Education, professional organizations, business, and industry to assist in professional development.
- Identify and implement best practices (school divisions).
- Provide high quality professional development that is relevant, meaningful, timely, applicable and that benefits cultural competence (Virginia Department of Education and school divisions).
- Establish a culturally responsive frame-

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work to inform curricular and instructional efforts across Virginia, and include professional learning to support the use of the framework.

Objective 2

By 2021, the Commonwealth's educators will understand and apply knowledge and skills necessary to innovate and conduct school/division redesign work successfully.

Strategies

- Deregulate requirements from the Virginia Board of Education and the Virginia Department of Education to allow for innovation that supports variability in learning time, assessments, and modes of instruction to capitalize on student learning differences.
- Advocate for the human and financial resources necessary to ensure ideal learning environments that include optimal class size, highly qualified personnel, adequate resources, modernized facilities, transportation, and other operational items that impact learning.
- Advocate for equitable implementation of technological advances across the Commonwealth to include funds for technology to support contemporary student learning in formal and informal settings, develop partnerships in rural areas to increase access to broadband and eliminate the growing digital divide.
- Provide training in skills and knowledge development necessary for division administrators and teachers to reimagine learning outcomes, programs, and coursework consistent with competencies that are foundational to the Profile of a Virginia Graduate by increasing student and teacher engagement, deeper learning, and equity of access for all students to rich, challenging learning experiences.

Objective 3

By 2021, create a wide variety of opportunities for all students to acquire workplace skills and work-related experiences.

Strategies

- Create a marketing plan template for divisions to use to engage local business, industry, the public sector and non-profits to create internships, externships, shadowing experiences, and other work-related experiences for all students.
- Develop internship coordinators and career connection coaches in school divisions to create networks and secure placements.
- Design and develop a teacher candidate program within all school divisions.
- Expect business, industry, and public sector to partner with local school divisions to develop work-related experiences.

Objective 4

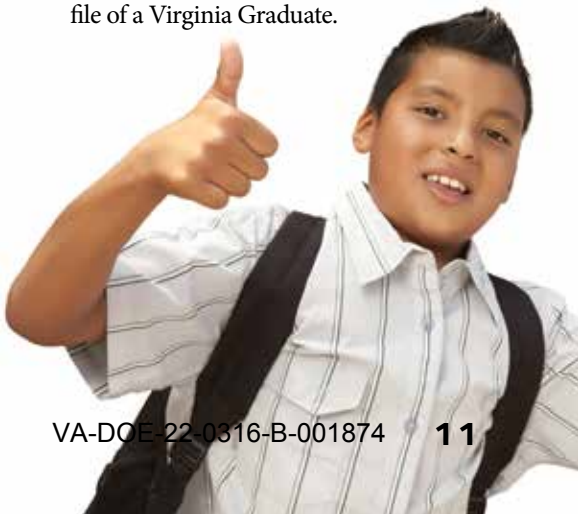
By 2021, the Virginia Department of Education will develop and provide a variety of measures to assess and monitor the initiatives detailed within the Profile of a Virginia Graduate.

Strategy

- The Virginia Department of Education will convene a diverse team of educators in partnership with state educational organizations to develop benchmarks for use by divisions to assess and monitor the impact of initiatives embedded in the Profile of a Virginia graduate.

MEASURES OF SUCCESS

- ✓ The Profile of a Virginia Graduate competencies will be integrated and aligned throughout the K-12 Standards of Learning as SOLs are revised as scheduled by the Virginia Department of Education.
- ✓ Regional professional learning conferences to support division staff will be planned, scheduled, funded, and implemented, 1) so that instructional resources can be designed and shared to align local curriculum, assessment, and instruction with revised SOLs and 2) to identify, reinforce, and model best practices for implementation of the Profile of the Graduate, Teacher, Classroom, and Leader.
- ✓ Partnerships will be developed with associations, local community businesses, corporations, and the Virginia Department of Education so that formal and informal professional learning and development will be available to ensure educators develop deep understanding of changing workforce and community needs that are addressed through the Profile of a Virginia Graduate (i.e., tech tours, teacher internships, etc.)
- ✓ Use the School Divisions of Innovation model (Soifer 2017) division site visits, and partnerships of associations, higher education, businesses, and agencies to create and support local innovations designed to change structures, personnel use, curriculum, assessment, and instructional practices that support work-based competency development, knowledge acquisition, and how-to-learn skills essential to lifelong learning, citizenship, cultural competence, and an evolving workforce.
- ✓ Equitable funding sources will ensure each division has the technology and technology support, including staff and infrastructure, to provide and ensure local access for all educators and students to accomplish learning tasks in their schools and communities.
- ✓ Ensure state and local funding that improves divisions' workforce conditions and learning options and experiences so that all students have access to ideal learning environments regardless of the school they attend.
- ✓ Each division will have the resources they need to implement a marketing plan essential to building local support and implementation of work-based experiences.
- ✓ Fund additional SOQ staffing to coordinate career and work-based experiences and create opportunities for students that include career coaching that is not but not limited to a future teacher candidate program in schools.
- ✓ Teams of educators convene and produce benchmarks to assess and monitor initiatives essential to implementing the Profile of a Virginia Graduate.



AMERICAN OVERSIGHT

FUNDING PUBLIC EDUCATION

Perhaps no issue strikes at the heart of equity more than the funding of public education. VASS believes that the most significant concern is the overall amount of state funding made available to school divisions. Specifically, the funding that is made available to PK-12 public education by Virginia is well below the actual investment in the children by localities. Appropriate funding for public education has been discussed for the better part of 40 years and has yet to be adequately addressed.

The true "cost" of investing in the children who reside in communities throughout the Commonwealth is reflected in the total investment made by both localities and the state. While some localities have the revenue capacity to fund above the Required Local Effort and Required Local Match, either the funding for the Standards of Quality is inadequate or the Standards of Quality are set too low. In particular, state funding to divisions over time has never recovered from the Recession of 2009. (Lanza 2019)

While funding issues may be portrayed as being a "large, urban" or "small, rural" issue, the overall amount of funding from the state is the most significant challenge. With the current formula, the division's enrollment has little to do with the amount of support that is provided per pupil from the state. However, the amount that is budgeted for PK-12 public education and the corresponding SOQ calculations have the most dramatic impact.

GOAL

Funding for public education in Virginia should be adequate to ensure that every student in the Commonwealth, regardless of jurisdiction, has the opportunity to become a high-achieving and high-performing citizen who contributes to the community and the workforce of the 21st century.

OBJECTIVES AND STRATEGIES

Objective 1

By 2022, funding for teacher compensation in Virginia should place teachers at the national average.

Strategies

- Increase the average teacher salary to the national average by 2022 without requiring a local match. Currently, Virginia ranks 33rd in the nation. (Sarte et al. 2019)
- By 2024, the average teacher salaries will reflect the current fiscal capacity of Virginia when compared to other states. That is, since Virginia ranks 18th in "Per capita gross domestic product by state," then the average teacher salary should rank at least 18th in the nation. (Sarte et al. 2019)
- Develop an aligned communication strategy with other advocacy groups that support public education (e.g., Virginia Public Education Coalition (VPEC), which represents 14 different education groups) to garner public support for funding PK-12 education. This strategy should include the use of personal stories and related data representing why this objective and strategies are essential at classroom, division, regional, and state levels.

Objective 2

By 2021, increase overall funding for PK-12 public education without requiring a local match.

Strategy

- Partner with VACo and VML to ensure the General Assembly authorizes and funds an independent Educational Adequacy Study to determine the appropriate level of resources needed for school divisions to meet state accountability

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VA-DOE-22-0316-B-001875

requirements. The study should examine particular challenges for schools, such as the effect of concentrations of poverty, demographic changes, accelerated growth and declining enrollments, and identify funding required to meet the Standards of Learning, Standards of Accreditation, and Standards of Quality.

Objective 3

By 2022, eliminate the support staff cap and increase the SOQ ratios of support staff per teacher to improve services to all students without requiring a local funding match.

Strategy

- Use results from the Educational Adequacy Study to determine and fund the appropriate ratio of support staff needed to provide services so that all PK-12 students achieve learning success as evidenced by attendance, academic achievement, social and emotional development, and Profile of a Virginia Graduate competencies.

Objective 4

By 2023, fund all state Basic Aid at or above pre-recession levels and provide full utilization of Lottery Fund proceeds without supplanting other state funding. ("JLARC, State Spending and K-12 Standards of Quality" n.d.)

Strategies

- Adjust state funding formulas to reflect actual annual inflation rate.
- Restore the use of Lottery Fund proceeds as supplemental without supplanting state funding and relieving the state government of its responsibility to appropriately fund public education (i.e., at the time of this report, 60 percent of lottery funding is being used to supplant various state categorical funding).
- Use the Educational Advocacy Study to determine state funds that each division should currently receive, if adjusted annually for inflation, using funding formulas to ensure local funding at or above pre-recession levels accounting, and for increased services mandated by legislation and regulation.

Objective 5

Restore and provide state funding for facility/infrastructure to ensure that all students have access to modern facilities and infrastructure, regardless of each locality's ability to pay.

Strategies

- Fund the Virginia Public School Construction Grants Program consistent with Code of Virginia § 22.1-175.1
- Develop new partnerships to provide alternative funding sources essential to modernizing and renovating school facilities to more intentionally support the contemporary learning experiences that align with students' development of Profile of a Virginia Graduate competencies.

Objective 6

Increase At-Risk Add-On funding and allow greater local flexibility in determining how to maximize the use of these funds to ensure all students are successful in school by any accountability measure.

Strategies

- Increase the funding cap to a minimum of 16 percent for the At-Risk Add-On which is currently at 14.5 percent (19-20) so that divisions with significant poverty, or a low composite index, or less ability to fund education receive increased funding to support and align programs, staffing, local innovation initiatives that address student achievement, implementation of the Profile of a Virginia Graduate, and work-force needs in those divisions.
- Determine how to modify regulations that direct use of At-Risk Add-On funds to provide increased flexibility in use of funds by divisions.

MEASURES OF SUCCESS

- ✓ Meet stated benchmarks for teacher compensation based on national measures including state salary rankings and per capita gross domestic product by state.
- ✓ Use of partnership communication plan and strategies that result in full public support for increased state funding for PK-12 education needs as identified in this *Blueprint for Equity in Virginia's Public Schools.*
- ✓ An independent Education Adequacy Study is completed and report recommendations are used to inform legislators, the Virginia Board of Education, local School Boards, business partners, and communities across Virginia for the resources needed to identify current educational challenges and address those challenges with provision of the resources necessary to ensure equity and access to the best learning experiences possible, regardless of where a student lives or his/her own personal circumstances.
- ✓ The SOQ support staff positions and ratios are funded and increase to fully support the needs of 1) diverse schools 2) all PK-12 students and 3) the contemporary learning practices and program options essential to implementing the Profile of a Virginia Graduate in every division.
- ✓ Every school division receives funding from the state and other partnerships necessary to modernize, build, and renovate school facilities so that PK-12 contemporary learning practices and initiatives can be developed to support implementation of the Profile of a Virginia Graduate.
- ✓ Increased state funding is made available to divisions with challenges of significant poverty, or a low composite index, or insufficient local funds to adequately provide facilities, staff, and services to all students.
- ✓ Regulations are modified to allow the use of At-Risk Add-On funds to increase local flexibility in order to more effectively meet learning needs.

AMERICAN OVERSIGHT

THE CALL FOR CHANGE

> ***We are in the business of unfolding the unique human potential of every child.***
>
> —Virginia Association of School Superintendents

Virginia is a national leader in implementing educational innovation critical to all students receiving not just an adequate education but one that is best in class. The Virginia Association of School Superintendents has established a successful track record in its work as a key advocacy leader with the General Assembly and the Virginia Department of Education to obtain and direct resources so that schools across the Commonwealth will meet the high expectations that the public holds for Virginia's PK-12 schools and their graduates.

In the first *VASS Blueprint for the Future of Public Education (2011)*, superintendents defined key changes they believed were critical to advancing student learning with emphasis on integration of performance competencies, multiple means of assessment, and a focus on grade appropriate career development experiences that serve to prepare students for a globally competitive market. VASS leaders were instrumental members of the Governor's Standards of Learning Innovation Committee in bringing forward recommendations for changes in state assessments that were implemented through legislative action by the General Assembly. In 2015, the SOL Innovation Committee recommended development of the Profile of a Virginia Graduate and that recommendation was legislated into action and further developed by the Virginia Board of Education.

The New Blueprint for the Future of Public Education was released in 2015 by VASS with a focus on advocacy to the General Assembly to fully fund the state's share of the standards that the General Assembly uses to define the quality of education – the Virginia Standards of Quality or SOQ. The 2015 Blueprint also emphasized increased flexibility in local decision-making about seat-time, test administration, and alternative pathways to verify credits.

In this latest iteration, a *Blueprint for Equity,* superintendents articulate a "Call for Change" as a vision of equity that incorporates advocacy for resources necessary to ensure that our youngest learners in pre-school to our seniors in high school all participate in rich, challenging learning experiences, in ideal learning environments, taught by excellent, engaged educators.

However, VASS members know this alone is not enough to sustain the momentum of Virginia's evolving culture of educational innovation and commitment to equity.

Teachers must have access to exemplary professional development opportunities, competitive pay, and a variety of tools and resources to level the learning playing field for every student enrolled in Virginia's public schools.

Divisions with extensive challenges must receive the funding and resources they need so their students are not denied the educational opportunities available to peers in more privileged zip codes.

Students must receive the adult support they need to find personal pathways to social, emotional, and academic development and success.

The partnerships forged through implementation of the goals, objectives, and strategies in the Blueprint for Equity will ensure that Virginia is for Learners, all learners, no matter where they live or the circumstances of their lives. "What the best and wisest parent wants for their child, that must we want for all the children of the community. Anything less is unlovely, and left unchecked, destroys our democracy" (Dewey).

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VA-DOE-22-0316-B-001877

BLUEPRINT FOR ACHIEVING EQUITY SOURCES

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The partnerships forged through
implementation of the goals,
objectives and strategies
in this Blueprint for Equity
will ensure that

VIRGINIA IS FOR LEARNERS,

all learners,
no matter where they live
or the circumstances of their lives.

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/10/2022 2:41:53 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc: "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Fwd: Virginia Department of Education is still pushing CRT

Please see below…

---------- Forwarded message ---------
From: **pattyz2021** <pattyz2021@protonmail.com>
Date: Thu, Mar 10, 2022 at 1:37 PM
Subject: Virginia Department of Education is still pushing CRT
To: elizabeth.schultz@doe.virginia.gov <elizabeth.schultz@doe.virginia.gov>

Elizabeth,

I am a member of Fairfax Republicans and have talked to you a few times. We were way excited about you getting your current job.

Virginia Department of Education is still promoting Critical Race Theory in defiance of the governor. What is going on here? Did they do this behind your back? I can't imagine you putting up with this if you knew about it.

Here it is, a flyer and links to videos: https://content.govdelivery.com/attachments/VADOE/2022/03/07/file_attachments/2096356/SEL%20DAY%20%281%29.pdf

It is now called, get this, Social Emotional Learning. They get points for imagination. But watching the videos for a short while shows that it is simply CRT rebranded.

And our tax dollars are paying for this.

There is no reason for ANY VIDEOS. Education needs to be strictly academic subjects.

Please fill me in on what is happening here.

Patty Zevallos

Sent with ProtonMail secure email.
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:10:02 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Welcome

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Kari Weston** <kweston@dcpsnet.org>
Date: Wed, Jan 19, 2022 at 8:53 PM
Subject: Welcome
To: <jillian.balow@doe.virginia.gov>

Dr. Balow,

Welcome to Virginia!

Having had the opportunity to work across the nation throughout my career, I can honestly say there is no better place to live, learn, or serve than the Commonwealth of Virginia.

While I realize you have been here a brief moment, I can tell you that my colleagues are waiting to receive some direction relative to Executive Order 2 from your office.

I'm quite certain that even though we continue with the mask
Mandate there will be students who show up without one. We are looking for ideas as to serve our young people in this situation.

At the very least, you might want to reach out with an informal introductory message.

I am a leader who strives to set others up for success…please excuse me if this comes across as bossiness as I can assure you that it is not who I am.

Please let me know if there is anything I can do to support you.

Kari

Dr. Kari Weston
Superintendent
Dinwiddie County Public Schools
14016 Boydton Plank Road
Dinwiddie, VA 23841
804-469-4190 (phone)
804-469-4199 (fax)
www.dinwiddie.k12.va.us

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 3/1/2022 12:04:37 PM
To: "Aimee Guidera" <aimee.guidera@governor.virginia.gov>, "Sarah Huang Spota" <sarah.spota@governor.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Becca Glover" <becca.glover@governor.virginia.gov>, "Stewart, Coke M." <cstewart@oag.state.va.us>
Cc: "Jennifer Bean" <jennifer.bean@governor.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Hearing: Judiciary Committee Speakers

Attachments: HMTG-117-JU10-WList-20220301.pdf

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES
Witness List

TIME	DATE	PLACE
10:00 a.m.	**Tuesday, March 1, 2022**	**2141 Rayburn House Office Building**

Subject: Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

Panel One:

The Honorable André Carson
Member of Congress

The Honorable Judy Chu
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Ilhan Omar
Member of Congress

Panel Two:

Maya Berry
Executive Director
Arab American Institute

Shoba Sivaprasad Wadhia
Associate Dean for Diversity, Equity, and Inclusion;
Samuel Weiss Faculty Scholar; and Clinical Professor of Law
Penn State Law

Zulfat Suara
Council Member At Large
Metropolitan Government of Nashville and Davidson County

AMERICAN OVERSIGHT

Asra Nomani
Vice President for Strategy and Investigations
Parents Defending Education

Hammad Alam
Staff Attorney and Program Manager, National Security and Civil Rights
Asian Law Caucus
Asian Americans Advancing Justice

Devon Westhill
President and General Counsel
Center for Equal Opportunity

Amrith Kaur Aakre
Legal Director
The Sikh Coalition

Annetta Seecharran
Executive Director
Chhaya Community Development Corporation

AMERICAN OVERSIGHT

From: Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov>
Sent: 3/2/2022 3:16:35 PM
To: jillian.balow@doe.virginia.gov, dicky.shanor@doe.virginia.gov
Cc:
Subject: New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

---

New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

https://thefederalist.com/2022/03/01/new-report-shatters-media-lie-that-crt-isnt-taught-in-virginia-schools/

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/24/2022 6:34:41 AM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: [External] Follow-up to phone call yesterday

Please let Supt. Brabrand know we reached out to the sender and asked them to re-send it directly to Supt. Brabrand.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Sun, Mar 20, 2022 at 4:48 PM Balow, Jillian <jillian.balow@doe.virginia.gov> wrote:

> Working with the secretary on this.
>
>
> JILLIAN BALOW
> SUPERINTENDENT OF PUBLIC INSTRUCTION
> VIRGINIA DEPARTMENT ♥F EDUCATION
> 804.225.2057 | jillian.balow@doe.virginia.gov
>
>
> On Fri, Mar 18, 2022 at 9:16 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
>
> > Jillian, Braband is saying he was unaware. How would you like to proceed?
> >
> > ---------- Forwarded message ---------
> > From: **Brabrand, Scott S** <ssbrabrand@fcps.edu>
> > Date: Thu, Mar 17, 2022 at 7:51 PM
> > Subject: Re: [External] Follow-up to phone call yesterday
> > To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>
> >
> > Dear Jillian,
> >
> > I checked into this with my legal team. We have not received any notice of complaint on this from OCR, given apparent internal processing delays there. Could you send me copies of anything that you have received?
> >
> > Sincerely,
> >
> > Scott
> >
> > Sent from my iPhone
> >
> > ---
> >
> > **From:** Balow, Jillian <jillian.balow@doe.virginia.gov>
> > **Sent:** Wednesday, March 9, 2022 9:49:53 AM
> > **To:** Brabrand, Scott S <ssbrabrand@fcps.edu>; Jon Russell <jon.russell@doe.virginia.gov>
> > **Subject:** [External] Follow-up to phone call yesterday
> >
> > CAUTION: This email originated from outside of FCPS. Do not click links or open attachments unless you recognize the sender and know the content is safe.
> >
> > Superintendent Brabrand,
> > Thank you for visiting yesterday about Belvoir's mask mandate and the continued board deliberations regarding admissions to TJ for the class of 2026.
> >
> > Additionally, I wanted to follow-up with information about the complaint of antisemitism in Fairfax County Public Schools. The complaint was filed with U.S. Department of Education's Office of Civil Rights on January 25, 2022 and was forwarded to our offices several weeks later.
> >
> > Thank you again.
> >
> >
> > JILLIAN
> > BALOW
> > SUPERINTENDENT
> > OF PUBLIC
> > INSTRUCTION
> > VIRGINIA DEPARTMENT
> > ♥F
> > EDUCATION
> > 804.225.2057 |
> > jillian.balow@doe.virginia.gov
> >

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/20/2022 4:48:46 PM
To: "Russell, Jon" <jon.russell@doe.virginia.gov>
Cc:
Subject: Re: [External] Follow-up to phone call yesterday

Working with the secretary on this.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Fri, Mar 18, 2022 at 9:16 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:

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To: Balow, Jillian <jillian.balow@doe.virginia.gov>, Jon Russell <jon.russell@doe.virginia.gov>

Dear Jillian,

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Sincerely,

Scott

Sent from my iPhone

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: Wednesday, March 9, 2022 9:49:53 AM
To: Brabrand, Scott S <ssbrabrand@fcps.edu>; Jon Russell <jon.russell@doe.virginia.gov>
Subject: [External] Follow-up to phone call yesterday

CAUTION: This email originated from outside of FCPS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Thank you again.

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804.225.2057 |
jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/21/2022 8:45:08 PM
To: "Ken Blackstone" <ken.blackstone@doe.virginia.gov>
Cc: "Coy, Holly" <holly.coy@doe.virginia.gov>, "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>
Subject: Re: Additional VDOE Web Updates Tonight on new COVID Guidance

---

Thank you, Holly and Ken.
Jillian

On Fri, Jan 21, 2022 at 6:58 PM Ken Blackstone <ken.blackstone@doe.virginia.gov> wrote:

> These pages will be updated any minute now. I just approved the test pages to go live.
>
> Thanks,
>
> Ken
>
> On Fri, Jan 21, 2022 at 5:52 PM Coy, Holly <holly.coy@doe.virginia.gov> wrote:
>
> > Hi all,
> >
> > Along with the new guidance being posted, I've asked Ken and his team to update two other related pages on the website this evening. My intent is to ensure that we are as clear as possible with parents and schools over the weekend on what the new guidance is.
> >
> > 1) The first is our Interim Guidance page - and the update will be to replace existing text under the blue box with the following: *In January 2022 Virginia updated its Interim Guidance for COVID-19 Prevention in Virginia PreK-12 Schools consistent with Governor Youngkin's Executive Order 2.*
> >
> > 2) Second, I've asked for the FAQ page to be removed. The information is now outdated. We can certainly bring a new version back next week as we get questions.
> >
> > My hope is to provide clear and consistent information -- and then next week we can fill in with more detail as needed.
> >
> > Let me know if you have any questions or concerns with this approach.
> >
> > Thanks,
> > Holly
> >
> > --
> > **Holly Coy**
> > *Assistant Superintendent of Policy and Communications*
> > Virginia Department of Education
> > 703.727.2240 (c) holly.coy@doe.virginia.gov
> --

OCCS

KEN BLACKSTONE, APR
EXECUTIVE DIRECTOR
OFFICE OF COMMUNICATION & CONSTITUENT SERVICES
VIRGINIA DEPARTMENT ♥ F EDUCATION
O: 804.225.2543 | **C:** 803.201.9945
ken.blackstone@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 10:18:29 AM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Subject: Re: Article: WaPo

Thank you for sharing.

On Tue, Feb 15, 2022 at 7:05 AM Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov> wrote:

> Of interest
>
> https://www.washingtonpost.com/education/2022/02/14/critical-race-theory-teachers-fear-laws/

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 3:16:15 PM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>
Cc: "Ken Blackstone" <ken.blackstone@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>
Subject: Re: Elimination of VMPI

Sent a Google Meet invite for 3-3:30, thanks!

On Tue, Jan 25, 2022 at 10:18 AM Coy, Holly <holly.coy@doe.virginia.gov> wrote:

> I'm free between 1 and 2:30, though I could also join a phone call between 3 and 3:30 remotely.
>
> Thanks,
> Holly
>
> On Tue, Jan 25, 2022 at 12:08 PM Ken Blackstone <ken.blackstone@doe.virginia.gov> wrote:
>
> > Thanks for the update. I am free to meet anytime this afternoon and look forward to connecting on this.
> >
> > Sincerely,
> >
> > Ken
> >
> > On Tue, Jan 25, 2022 at 11:35 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> >
> > > Thanks Holly. We have this one and the Newsweek one on CRT. Do we want to connect this afternoon? I am not sure what the process is for us to respond right now in terms of whether we need to coordinate our response with the Secretary/Governor's office.
> > >
> > > On Tue, Jan 25, 2022 at 9:30 AM Coy, Holly <holly.coy@doe.virginia.gov> wrote:
> > >
> > > > Morning all,
> > > >
> > > > Looping us together re: the media inquiry below, happy to huddle on potential responses.
> > > >
> > > > Best,
> > > > Holly
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Ken Blackstone** <ken.blackstone@doe.virginia.gov>
> > > > Date: Tue, Jan 25, 2022 at 11:23 AM
> > > > Subject: Fwd: Elimination of VMPI
> > > > To: Coy, Holly <holly.coy@doe.virginia.gov>
> > > >
> > > > FYI, this came to the Superintendent's account and I'm assuming John forwarded it to me and Jillian.
> > > >
> > > > Ken
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Superintendent, rr** <superintendent@doe.virginia.gov>
> > > > Date: Tue, Jan 25, 2022 at 10:12 AM
> > > > Subject: Fwd: Elimination of VMPI
> > > > To: Ken Blackstone <ken.blackstone@doe.virginia.gov>
> > > > Cc: Jillian Balow <jillian.balow@doe.virginia.gov>
> > > >
> > > > Media request
> > > >
> > > > ---------- Forwarded message ---------
> > > > From: **Harold Hutchison** <harold@dailycallernewsfoundation.org>
> > > > Date: Mon, Jan 24, 2022 at 5:02 PM
> > > > Subject: Elimination of VMPI
> > > > To: <superintendent@doe.virginia.gov>
> > > >
> > > > Ms. Balow,
> > > >
> > > > I am a reporter with the Daily Caller News Foundation. Would you be willing to comment on the cancellation of the Virginia Math Pathways Initiative?
> > > >
> > > > My deadline is 6:30 PM Eastern.
> > > >
> > > > Thank you for your time.
> > > >
> > > > ----
> > > > Harold Hutchison
> > > > Daily Caller News Foundation
> > > > harold@dailycallernewsfoundation.org
> > > > (703)216-6964
> > > >
> > > > --
> > > > **Holly Coy**
> > > > *Assistant Superintendent of Policy and Communications*
> > > > Virginia Department of Education
> > > > 703.727.2240 (c) holly.coy@doe.virginia.gov
> > >
> > > --
> > > **Holly Coy**
> > > *Assistant Superintendent of Policy and Communications*
> > > Virginia Department of Education
> > > 703.727.2240 (c) holly.coy@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 12:35:18 PM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>
Subject: Re: Elimination of VMPI

Thanks Holly. We have this one and the Newsweek one on CRT. Do we want to connect this afternoon? I am not sure what the process is for us to respond right now in terms of whether we need to coordinate our response with the Secretary/Governor's office.

On Tue, Jan 25, 2022 at 9:30 AM Coy, Holly <holly.coy@doe.virginia.gov> wrote:

> Morning all,
>
> Looping us together re: the media inquiry below, happy to huddle on potential responses.
>
> Best,
> Holly
>
> ---------- Forwarded message ---------
> From: **Ken Blackstone** <ken.blackstone@doe.virginia.gov>
> Date: Tue, Jan 25, 2022 at 11:23 AM
> Subject: Fwd: Elimination of VMPI
> To: Coy, Holly <holly.coy@doe.virginia.gov>
>
> FYI, this came to the Superintendent's account and I'm assuming John forwarded it to me and Jillian.
>
> Ken
>
> ---------- Forwarded message ---------
> From: **Superintendent, rr** <superintendent@doe.virginia.gov>
> Date: Tue, Jan 25, 2022 at 10:12 AM
> Subject: Fwd: Elimination of VMPI
> To: Ken Blackstone <ken.blackstone@doe.virginia.gov>
> Cc: Jillian Balow <jillian.balow@doe.virginia.gov>
>
> Media request
>
> ---------- Forwarded message ---------
> From: **Harold Hutchison** <harold@dailycallernewsfoundation.org>
> Date: Mon, Jan 24, 2022 at 5:02 PM
> Subject: Elimination of VMPI
> To: <superintendent@doe.virginia.gov>
>
> Ms. Balow,
>
> I am a reporter with the Daily Caller News Foundation. Would you be willing to comment on the cancellation of the Virginia Math Pathways Initiative?
>
> My deadline is 6:30 PM Eastern.
>
> Thank you for your time.
>
> ----
> Harold Hutchison
> Daily Caller News Foundation
> harold@dailycallernewsfoundation.org
> (703)216-6964
>
> --
> **Holly Coy**
> *Assistant Superintendent of Policy and Communications*
> Virginia Department of Education
> 703.727.2240 (c) holly.coy@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/3/2022 11:57:32 PM
To: "FOIA, rr" <foia@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Myers, David" <dave.myers@doe.virginia.gov>, "Leslie Sale" <leslie.sale@doe.virginia.gov>
Subject: Re: FOIA Request Feb. 2, 2022

Approved.

On Thu, Feb 3, 2022 at 9:24 AM FOIA, rr <foia@doe.virginia.gov> wrote:

> Good morning, Dicky:
>
> I hope this message finds you well. Please see the below FOIA request we received this morning from a reporter with The Daily Progress for copies of all "electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2."
>
> At your earliest opportunity, I kindly request that you advise whether you approve of an email search for any responsive records. If approved, I will coordinate with Dave Myers in order to conduct the necessary search. Should any responsive emails be identified, I will ensure that you have an opportunity to review them prior to release. Without an extension, our response will be due by or before next **Thursday, February 10th.**
>
> Should you have any questions or concerns, please do not hesitate to contact me. I greatly appreciate your assistance.
>
> Best regards,
> Rebecca W.
>
> ---------- Forwarded message ---------
> From: **Katherine Knott** <kknott@dailyprogress.com>
> Date: Wed, Feb 2, 2022 at 9:40 PM
> Subject: FOIA Request Feb. 2, 2022
> To: foia@doe.virginia.gov <foia@doe.virginia.gov>
>
> Feb. 2, 2022?
>
> Dear Rebecca Askew,
>
> Under the Virginia Freedom of Information Act, Virginia Code Section 2.2-3700 and following, I'm requesting electronic copies of emails to and from state superintendent of public instruction, Jillian Balow, regarding Executive Order No. 1 and/or helpeducation@governor.virginia.gov<mailto:helpeducation@governor.virginia.gov> from Jan. 21 to Feb. 2.
>
> ?If you determine that only portions of a file are exempted from release, I request that I be provided with all non-exempt portions or redacted versions as well as the specific exemption you are citing. I reserve my right to object to any withholding or deletion of information.
>
> Please provide an estimate of costs prior to meeting my request.
>
> If you have any questions concerning this request, please call me at (434) 422-7298.
>
> I look forward to your response within five days as provided by the Act.
>
> Sincerely,
>
> Katherine Knott?
>
> ---
>
> Katherine Knott
> K-12 Reporter | The Daily Progress
> O: (434) 978-7263 | M: (434) 422-7398
> kknott@dailyprogress.com | www.dailyprogress.com<http://www.dailyprogress.com>

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/28/2022 1:52:13 PM
To: "Ben Kiser" <b.kiser@vassonline.org>
Cc: "ztalley@martinsville.k12.va.us" <ztalley@martinsville.k12.va.us>, "mgill@hcps.us" <mgill@hcps.us>, "midgettek@brunswickcps.org" <midgettek@brunswickcps.org>, "Brabrand, Scott S" <ssbrabrand@fcps.edu>, "Andy Stamp" <a.stamp@vassonline.org>, "Tom Smith" <t.smith@vassonline.org>, "Marcus Newsome" <m.newsome@vassonline.org>, "Liza Scallet" <l.scallet@vassonline.org>, "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>
Subject: Re: Follow-up

Attachments: image003.jpg

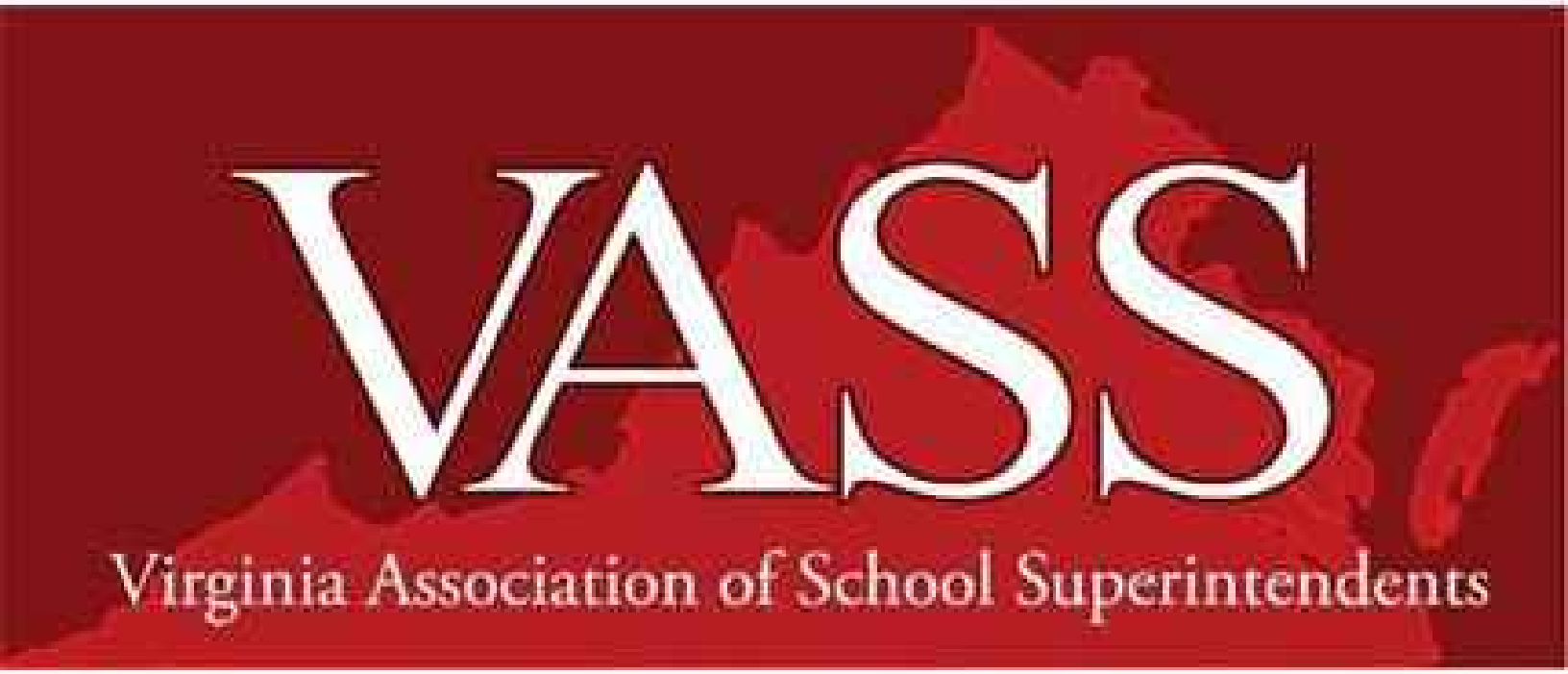
Ben,
We hope to share various parts of a draft report to small groups of stakeholders next week for review and input.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Mon, Mar 28, 2022 at 11:23 AM Ben Kiser <b.kiser@vassonline.org> wrote:

> Superintendent Balow,
>
> Can you provide an update on the two directives below pertaining to Governor Youngkin's Executive Order #1? In order for you to know who is copied on this email, I am copying the VASS Executive Committee and the VASS staff, as well as Secretary Guidera. Thank you in advance for a timely response.
>
> ***9. The Superintendent of Public Instruction shall provide a report to me and the Secretary of Education within 30 days any policies, programs, training, or curricula that falls within the definition of inherently divisive concepts and within 90 days identify any necessary executive and legislative actions needed to end use of all inherently divisive concepts in public education.***
>
> ***12. The Superintendent of Public Instruction shall issue a report to the Secretary of Education and me within 90 days on the status of efforts to close the "achievement gap" in K-12 education, with recommendations for additional executive and legislative actions that should be undertaken to ensure all students are graduating high school career and college ready.***
>
> Howard B. Kiser (Ben), Ed.D.
>
> Executive Director, VASS
>
> P.O. Box 68
>
> Batesville, Virginia 22924
>
> b.kiser@vassonline.org
>
> Office: 804-562-4430
>
> Cell: 804-815-7661

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 10:06:33 AM
To: "Sarah Spota" <sarah.spota@governor.virginia.gov>
Cc: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Bean, Jennifer" <jennifer.bean@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>, "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>, "Stewart, Coke M." <CStewart@oag.state.va.us>, "Tysinger, Allyson K." <ATysinger@oag.state.va.us>, "Love, Deborah A." <DLove@oag.state.va.us>
Subject: Re: Fort Belvoir Elementary students required to wear masks despite Virginia's executive order

---

Thank you for sharing

On Wed, Mar 2, 2022 at 7:40 AM Sarah Spota <sarah.spota@governor.virginia.gov> wrote:

> Just know that this story will start picking up more steam.
>
> Fort Belvoir Elementary students required to wear masks despite Virginia's executive order
>
> https://www.fox5dc.com/news/fort-belvoir-elementary-students-required-to-wear-masks-despite-virginias-executive-order

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/18/2022 3:31:42 PM
To: "Annika Nordquist" <Annika.Nordquist@aei.org>, "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Hannah Warren" <Hannah.Warren@aei.org>
Subject: Re: Invitation to CFER 2/1

Attachments: image001.png

Annika,
I have included my executive assistant, John, on this response. I plan to attend and he will add it to my calendar and should be added to event details. Thank you.
Jillian

On Tue, Jan 18, 2022 at 12:10 PM Annika Nordquist <Annika.Nordquist@aei.org> wrote:

> Dear Superintendent Balow,
>
> Congratulations on your new position! How exciting that you'll be here in Virginia from now on.
>
> I reached out to your old email with an invitation to join us for the next virtual Conservatives for Education Reform meeting. I've pasted the invitation below. If you have time amidst settling into your exciting new job, we'd be delighted to have you join us.
>
> All the best,
>
> Annika
>
> On behalf of Rick Hess, **please join us for our next virtual Conservatives for Education Reform (CFER) conversation on Tuesday, February 1st from 4:00-5:00 PM, via Zoom.**
>
> What role should new institutions play for conservative education reformers? In 2021, new ventures like the University of Austin, Chalkbeat Review, Parents Defending Education, and Hillsdale's Barney Initiative have flourished. The Conservative movement has long held an interest in institution building, including our own scholars (for instance, see Rick's National Affairs piece, "An Ivory Tower of our Own"). But in the past year, the idea has gained a lot of practical, real-world traction. How should we think about these institutions? How can they be effective? Do they raise any concerns? Should they be the focus of education reform efforts?
>
> **Annika Nordquist**
> Research Assistant, Education Policy
> Annika.Nordquist@AEI.org
> P: 202-230-7119

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Superintendent, rr <superintendent@doe.virginia.gov>
Sent: 1/25/2022 10:49:19 AM
To: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Re: Mask Mandate

Dear Mindy,

Thank you for contacting Superintendent Balow. The health and welfare of Virginia's children is a priority. On Friday, January 21, 2022 the Virginia Department of Health, the Secretary of Education, and the Virginia Department of Education released Guidance for COVID-19 Prevention consistent with Executive Order Number Two (2022) and Order of Public Health Emergency One: *Reaffirming the Rights of Parents in the Upbringing, Education, and Care of Their Children* signed by Governor Youngkin on January 15, 2022.

We would recommend you share your concerns with your school board members. While this order is currently being challenged in the courts, our hope is that the order shall stand.

Thank you for contacting the VDOE and Superintendent Balow.

Best,
John Hendron
Superintendent's Office

On Mon, Jan 24, 2022 at 8:06 PM Balow, Jillian <jillian.balow@doe.virginia.gov> wrote:

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Mindy VanSkike** <luvthislpn@live.com>
Date: Mon, Jan 24, 2022 at 3:47 PM
Subject: Mask Mandate
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>

Good Afternoon Ms. Balow,

I am writing to inform you that my local school board, Frederick County Public Schools, has elect to continue to mandate masks for our children. I want my right as a parent to choose for my children if they are to wear a mask or not. I understand there are many children who's parents wish for them to continue wearing masks and am supportive of there right to choose. I know the EO #2 from Governor Youngkin states it is up to the parents to decide for our own children. What options do we have a parents and citizens of Virginia?

Sincerely,

Mindy VanSkike

Sent from Mail for Windows

--
This email account is monitored by staff in the Office of the Superintendent of Public Instruction at the Virginia Department of Education.

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/16/2022 10:56:56 AM
To: "Spota, Sarah" <sarah.spota@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Re: National Education Association (NEA) Read Across America

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https://www.independent.co.uk/arts-entertainment/books/news/dr-seuss-racist-joe-biden-read-across-america-day-virginia-b1810163.html

On Wed, Feb 16, 2022 at 7:50 AM Spota, Sarah <sarah.spota@governor.virginia.gov> wrote:

> Let's go read!
>
> ---------- Forwarded message ---------
> From: **Bean, Jennifer** <jennifer.bean@governor.virginia.gov>
> Date: Tue, Feb 15, 2022 at 2:39 PM
> Subject: National Education Association (NEA) Read Across America
> To: Rosalind Mabry <tori.mabry@governor.virginia.gov>, Travis Rickman <travis.rickman@governor.virginia.gov>, Trudy Tolson <trudy.tolson@governor.virginia.gov>, Martin Townes <tutti.townes@governor.virginia.gov>, Aimee Guidera <aimee.guidera@governor.virginia.gov>, Ahmad, Ali <ali.ahmad@governor.virginia.gov>, Aliscia Andrews <aliscia.andrews@governor.virginia.gov>, Amber Salter <amber.salter@governor.virginia.gov>, Stewart, Amy <amy.stewart@governor.virginia.gov>, Andrew Wheeler <andrew.wheeler@governor.virginia.gov>, Angela Sailor <angela.sailor@governor.virginia.gov>, Ashley Traficant <ashley.traficant@governor.virginia.gov>, Becca Glover <becca.glover@governor.virginia.gov>, Beth Green <beth.green@governor.virginia.gov>, Swann, Brian <brian.swann@governor.virginia.gov>, Brook Trible <brook.trible@governor.virginia.gov>, Bryan Slater <bryan.slater@governor.virginia.gov>, Caren Merrick <caren.merrick@governor.virginia.gov>, Maurer, Carlin <carlin.maurer@governor.virginia.gov>, Charles Kennington <charles.kennington@governor.virginia.gov>, Christian Martinez <christian.martinez@governor.virginia.gov>, CJ Sailor <cj.sailor@governor.virginia.gov>, Cody Anderson <cody.anderson@governor.virginia.gov>, Colleen Messick <colleen.messick@governor.virginia.gov>, Corey Scott <corey.scott@governor.virginia.gov>, Craig Crenshaw <craig.crenshaw@governor.virginia.gov>, Denise Burch <denise.burch@governor.virginia.gov>, Denise Cosner <denise.cosner@governor.virginia.gov>, Duncan Getchell <duncan.getchell@governor.virginia.gov>, Duncan Mcgaan <duncan.mcgaan@governor.virginia.gov>, M. Elaina Schramm <elaina.schramm@governor.virginia.gov>, Moeller, Eric <eric.moeller@governor.virginia.gov>, Fernando Espinoza <fernando.espinoza@governor.virginia.gov>, Garrison Coward <garrison.coward@governor.virginia.gov>, Georgia Esposito <georgia.esposito@governor.virginia.gov>, Gilbert An <gigi.an@governor.virginia.gov>, Gloria Senecal <gloria.senecal@governor.virginia.gov>, <gy74@governor.virginia.gov>, Pence, Hallie <hallie.pence@governor.virginia.gov>, Harold Pyon <harold.pyon@governor.virginia.gov>, Isabel Olave <isabel.olave@governor.virginia.gov>, Janet Kelly <janet.kelly@governor.virginia.gov>, Jason Pak <jason.pak@governor.virginia.gov>, Jeff Goettman <jeff.goettman@governor.virginia.gov>, Jennifer Deci <jen.deci@governor.virginia.gov>, Jenna Moon <jenna.moon@governor.virginia.gov>, Jennifer Crown <jennifer.crown@governor.virginia.gov>, Jesse Lynch <jesse.lynch@governor.virginia.gov>, Joanne Hansen <joanne.hansen@governor.virginia.gov>, Lawson, John <john.lawson@governor.virginia.gov>, John Littel <john.littel@governor.virginia.gov>, Jordan Stewart <jordan.stewart@governor.virginia.gov>, Joyce Reed <joyce.reed@governor.virginia.gov>, Julia Norfleet <julia.norfleet@governor.virginia.gov>, Juliana Thomas <juliana.thomas@governor.virginia.gov>, Julie Hammel <julie.hammel@governor.virginia.gov>, June Jennings <june.jennings@governor.virginia.gov>, Kari Ellis <kari.ellis@governor.virginia.gov>, Katie Cardounel <katie.cardounel@governor.virginia.gov>, Kay James <kay.james@governor.virginia.gov>, Kim Tomlin <kim.tomlin@governor.virginia.gov>, Laura Bilbrey <laura.bilbrey@governor.virginia.gov>, Leanne Carroll <leanne.carroll@governor.virginia.gov>, Lee Jackson <lee.jackson@governor.virginia.gov>, Lyn Mcdermid <lyn.mcdermid@governor.virginia.gov>, Macaulay Porter <macaulay.porter@governor.virginia.gov>, Maria Ochoa <maria.ochoa@governor.virginia.gov>, Marlo Burdge <marlo.burdge@governor.virginia.gov>, Martin Townes <martin.townes@governor.virginia.gov>, Maggie Cleary <mary.cleary@governor.virginia.gov>, Matt Moran <matt.moran@governor.virginia.gov>, Lohr, Matthew <matthew.lohr@governor.virginia.gov>, Michael Sargent <michael.sargent@governor.virginia.gov>, Nancy Dye <nancy.dye@governor.virginia.gov>, Nathanael Hirt <nathanael.hirt@governor.virginia.gov>, Nicole Ogburn <nicole.bunceogburn@governor.virginia.gov>, Nicole Riley <nicole.riley@governor.virginia.gov>, Nikki Thacker <nikki.thacker@governor.virginia.gov>, Parker Slaybaugh <parker.slaybaugh@governor.virginia.gov>, Richard Cullen <richard.cullen@governor.virginia.gov>, Robert Mosier <robert.mosier@governor.virginia.gov>, Sarah Spota <sarah.spota@governor.virginia.gov>, Shep Miller <shep.miller@governor.virginia.gov>, Estes, Skip <skip.estes@governor.virginia.gov>, Sonny Daniels <sonny.daniels@governor.virginia.gov>, Stephen Cummings <stephen.cummings@governor.virginia.gov>, Susan Beals <susan.beals@governor.virginia.gov>, <sy74@governor.virginia.gov>, Crabbs, Thomas <thomas.crabbs@governor.virginia.gov>, Rebecca Paramore <rebecca.paramore@governor.virginia.gov>, Holland, Suzanne <suzanne.holland@governor.virginia.gov>
>
> Dear Cabinet Secretaries and Staff,
>
> Please see the attached letter from Read Across America Coordinator, Lola McDowell. This is a wonderful opportunity to read to students at several local elementary and preschools in the Richmond area between February 28 - March 4th.
>
> Secretary Guidera would love for everyone to sign up (if possible) to read to a child during this incredible event! After reviewing the letter, it is easy to sign up on SignUp Genius below!
>
> https://www.signupgenius.com/go/4090948ada628a0ff2-read
>
> Thanks everyone,
> *Jennifer Bean*
> Executive Assistant
> Office of the Secretary of Education
> Patrick Henry Building
> 1111 East Broad Street
> Richmond, VA 23219
> (804) 225-4807
> jennifer.bean@governor.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/2/2022 6:01:06 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Subject: Re: New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools

---

Very interesting, thanks for sharing.

On Wed, Mar 2, 2022 at 2:16 PM Elizabeth Schultz <elizabeth.schultz@doe.virginia.gov> wrote:

> New Report Shatters Media Lie That CRT Isn't Taught In Virginia Schools
>
> https://thefederalist.com/2022/03/01/new-report-shatters-media-lie-that-crt-isnt-taught-in-virginia-schools/

AMERICAN OVERSIGHT

From: Saxton, Richard <dicky.saxton@doe.virginia.gov>
Sent: 3/15/2022 9:29:25 AM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc: "Below, Gillian" <gillian.below@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Re: Political Headlines from across Virginia

done, thanks.

On Tue, Mar 15, 2022 at 8:36 AM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:
If you haven't already done this, recommend subscribing to VPAP news. Free. Subscription link at end.

Charles S. Pyle
Director of Communications and Constituent Services
Virginia Department of Education
Charles.Pyle@doe.virginia.gov
Cell: (804) 663-2117
Office: (804) 371-2420

---------- Forwarded message ---------
From: **VaNews** <vanews@vpap.org>
Date: Tue, Mar 15, 2022, 7:21 AM
Subject: Political Headlines from across Virginia
To: <Charles.Pyle@doe.virginia.gov>

VaNews

March 15, 2022

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Top of the News

GOP seeks funding for Youngkin's lab schools push

By MEL LEONOR, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Gov. Glenn Youngkin ran on a promise to expand school choice in Virginia. But after a series of proposals were defeated in the legislature, his current chances for success will come down to 11th-hour negotiations for money to temporarily fund the operations of a handful of new schools. The governor's only remaining bill to usher in more privately run public schools would expand the ability of colleges and universities to open and operate "lab schools," using public dollars to foster innovation in education.

Ex-EPA leader Wheeler to serve as adviser to Youngkin

By SARAH RANKIN, Associated Press

Andrew Wheeler, the former Trump administration Environmental Protection Agency administrator, will serve as a senior adviser to Republican Gov. Glenn Youngkin's administration after Senate Democrats rejected his appointment to a Cabinet role. Wheeler had been nominated to oversee environmental and other policy issues as secretary of natural and historic resources. Travis Voyles, previously the deputy secretary of natural and historic resources, will serve as acting secretary while Wheeler takes on the advisory role, Youngkin spokeswoman Macaulay Porter said.

A Virginia gun bill had support from gun-control groups and the NRA. It still failed.

By GRAHAM MOOMAW, Virginia Mercury

At a legislative hearing last month, something so unusual happened some in the room joked it should go down as an important moment in history: The NRA and gun-control groups agreed a Democratic gun bill was good enough to make it through a Republican committee. "So Jesus is coming any minute," quipped Del. Nick Freitas, R-Culpeper, as the committee advanced the bill creating clearer punishments for people caught with firearms that have been made untraceable by having their serial numbers filed off. But the miracle turned out to be a mirage.

D.C. Mayor Won't Match Virginia Bid for Commanders Football Team

By EMMA KINERY, Bloomberg

Bringing the Washington Commanders football team to D.C. is a priority for the district, but not one big enough for its mayor to match the billion-dollar proposal Virginia has offered. "At some point, I'm going to move on from it," said Washington, D.C. Mayor Muriel Bowser in an interview with Bloomberg News on Monday. Bowser said drawing the team to the city it's named after is important but that the city wouldn't be able to match a bid from Virginia, which has offered the Commanders $1 billion and a cut of sales tax revenue if it moves to the state.

Solar groups say $55 minimum bill for shared solar is 'unworkable'

By SARAH VOGELSONG, Virginia Mercury

Solar advocacy groups say a Virginia regulator's recommendation that Dominion Energy charge ratepayers who sign up for a new community solar program a minimum monthly bill of $55 would be the highest such charge in the nation and would hobble the program by making it too expensive The minimum bill "will severely undermine the ability to attract customers if they're not going to have a reasonable level of savings to participate," said Charlie Coggeshall, director of policy and regulatory affairs for the Coalition for Community Solar Access, a group that works in roughly a dozen states nationwide to encourage community solar.

Fairfax school board appeals judge's invalidation of Thomas Jefferson admissions system

By HANNAH NATANSON, Washington Post (Metered Paywall - 3 articles a month)

The Fairfax County School Board is appealing a federal judge's ruling that invalidated the recently revised admissions system for the prestigious Thomas Jefferson High School for Science and Technology magnet school. U.S. District Judge Claude M. Hilton ruled late last month that the admissions program at TJ, as the school is known, discriminates against Asian American applicants and constitutes an illegal act of racial balancing.

AMERICAN OVERSIGHT

COVID-19 Remembrance Day remembers over 19,000 lives lost in Virginia

By LYNDON GERMAN, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Del. Delores McQuinn, D-Richmond, and other state and local representatives gathered at Virginia Union University on Monday to pray in remembrance of Virginians who lost their lives to COVID-19. As of March 14, nearly 80 million Americans have contracted COVID and 964,774 people have died from it, according to the Centers for Disease Control and Prevention. In Virginia, more than 19,000 people died after contracting the virus, and 476 of them were from Richmond, according to the Virginia Department of Health.

The Full Report

45 articles, 24 publications

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FROM VPAP

From VPAP

Maps, Timeline of COVID-19 in Virginia

The Virginia Public Access Project

Our Virginia COVID-19 dashboard features VDH vaccination data, including what percentage of the state's population has received at least one shot and the number of vaccinations per 100,000 residents in each city and county. Our dashboard also makes it easy to track the latest available data for tests performed, infections, deaths and hospital capacity. There's also a filter for each city and county, plus an exclusive per-capita ZIP Code map. Updated each morning around 10:30 a.m.

EXECUTIVE BRANCH

'This letter is a gross misrepresentation of what superintendents believe': Gov. Youngkin

By NICK MINOCK, WSET-TV

Over the weekend, it was widely reported that all 133 Virginia public school superintendents sent a letter to Gov. Glenn Youngkin's administration disapproving of the Governor's education agenda. It was also reported that all of the commonwealth's superintendents asked the Republican Governor to eliminate a "tip line" parents can send their concerns to about teachers and school curriculum. 7News is now learning the state's 133 superintendents were not advised of the letter before it was sent to the Governor's administration.

Youngkin chooses Trump's EPA chief to serve as senior adviser

By TEO ARMUS, Washington Post (Metered Paywall - 3 articles a month)

Democrats in the Virginia state Senate may have dashed Republican Gov. Glenn Youngkin's pick for a key Cabinet post, but that didn't stop the governor from hiring him anyway. Andrew Wheeler, a former Trump administration official and lobbyist for coal companies, will serve as a senior adviser to Youngkin, a spokeswoman for his administration confirmed Tuesday.

Wheeler to remain in Youngkin administration as senior adviser

By SARAH VOGELSONG, Virginia Mercury

Former Environmental Protection Agency Administrator Andrew Wheeler, whose appointment as Virginia's top environmental official was blocked by Senate Democrats, will serve as a senior adviser to Gov. Glenn Youngkin, according to Youngkin spokesperson Macaulay Porter. Porter also said that Deputy Secretary of Natural and Historic Resources Travis Voyles will serve as acting secretary of natural and historic resources. Youngkin announced his appointment as deputy secretary Feb. 18.

Youngkin, state officials break ground on 495 NEXT project

Inside NOVA

Gov. Glenn Youngkin joined state and local officials Monday morning to break ground on a two-and-a-half-mile extension of the express lanes on Interstate 495 between the Dulles Corridor and the George Washington Memorial Parkway in Fairfax County. The latest extension -- known as the 495 Express Lanes Northern Extension or 495 NEXT -- is part of Virginia's 90-plus mile express lanes network planned for Northern Virginia, the governor's office said.

County officials urge Youngkin to ensure transportation funding if grocery tax is repealed

By DAVID TAUBE, FFXnow

Gov. Glenn Youngkin and many Northern Virginia officials disagree over whether a repeal in the 2.5% grocery sales tax will adversely affect transit or not. The governor has made eliminating the tax a priority, but proponents and opponents are painting vastly different portraits of how a repeal could affect transportation funding. . . . At a groundbreaking ceremony in Tysons Monday for the I-495 Express Lanes extension, the Republican governor described the multiyear project as the kind of private-public partnership that can help save taxpayers' money.

GENERAL ASSEMBLY

Here's what bills lived, died and remain undecided in divided General Assembly

By JACKIE DEFUSCO, WRIC-TV

The 2022 regular session of the General Assembly is over but some unfinished business remains. Governor Glenn Youngkin is expected to call lawmakers back to the State Capitol to reach a deal on the two-year spending plan after a key budget deadline was missed, though no date has been set for that yet. The 60-day session laid bare the reality of a divided government, highlighted the consequences of a pivotal power shift and underscored the stakes of future elections.

It's a wrap!

By MARKUS SCHMIDT, Cardinal News

When the General Assembly adjourned Saturday, they did so without finalizing the state's biennial budget. But while about 50 bills still linger in conference – waiting for lawmakers to return once Gov. Glenn Youngkin calls for a special session sometime in the next few months, House GOP leadership blamed Democrats for leaving behind some unfinished business. "Unfortunately, the Democrats who run the Senate decided to put their own partisan angst ahead of Virginia's common good and not just block many common-sense bills, but also leave Richmond before the work was done," House Speaker Todd Gilbert, R-Shenandoah County, said in a statement. . . . Both parties are still haggling over a $3 billion gap separating their individual spending plans.

Local legislators split on bill to restrain governor's power

By SCOTT MCCAFFREY, Sun Gazette

Five of Arlington's seven-member General Assembly delegation voted in support of a measure that will limit the power of governors to act unilaterally for an indeterminate period in a crisis. Legislation sponsored by state Sen. David Suetterlein (R-Roanoke) on March 9 cleared the House of Delegates on a 91-8 vote, following earlier passage in the state Senate by a margin of 29-11. Gov. Youngkin is expected to sign the bill.

AMERICAN OVERSIGHT

Virginia teens press General Assembly for action on mental health

By BEN PAVIOUR, WCVE-FM

Between virtual learning and racial justice protests, it's been a long two years for youth in Virginia. Advocates say the recent turmoil highlighted the state's lack of investment in mental health services for students. While political and media debate has swirled around critical race theory and masking, student advocates say their mental health deserves more attention. "This issue is just going to get worse if we don't do something now," says Allison Gilbreath, policy and programs director at the advocacy group Voices for Virginia's Children.

Virginia lawmakers vote to allow smaller localities to opt out of Marcus Alert system

By DEAN MIRSHAHI, WRIC-TV

Virginia lawmakers passed a bill allowing smaller localities to opt out of the "Marcus Alert" law, a measure passed in 2020 that aimed to improve the response to mental and behavioral health emergencies. The legislation was named after Marcus-David Peters, who was fatally shot by a Richmond police officer in 2018 while experiencing an apparent mental health crisis alongside Interstate-95. Peters, a 24-year-old teacher, was naked when he charged the officer who shot him.

STATE ELECTIONS

Virginia Beach Councilman Aaron Rouse to run for state Senate

By STACY PARKER, Virginian-Pilot (Metered Paywall - 2 articles a month)

Virginia Beach City Councilman and former NFL player Aaron Rouse announced Monday that he's not seeking reelection for the council and will instead run for state Senate in 2023. "I'm really excited to continue to be able to work for Virginia Beach and have more of an impact," Rouse, 38, said by phone Monday. He is running as a Democrat for Virginia's 22nd District, which includes parts of the city of Virginia Beach. It's an open seat after redistricting this year. There is no incumbent. The district has 164,146 voters, according to the Virginia Public Access Project.

STATE GOVERNMENT

VDOE denies WAVY's FOIA request for info on divisive learning, Executive Order 1

By JON DOWDING, WAVY-TV

As part of our investigation into the State of Education in Virginia, 10 On Your Side filed two Freedom of Information Act (FOIA) requests about proposed changes to the public education system in Virginia — both of which were denied. These requests hoped to paint a clearer picture of changes coming to classrooms in Virginia, but with both requests denied by state leadership, 10 On Your Side — and therefore you at home — are left with as many questions about these changes as before.

Virginia's jobless rate held steady in January as more people entered labor market

By JOHN REID BLACKWELL, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Virginia's unemployment held steady at 3.3% from December to January, and employment increased from a year ago, but overall employment still remains down from before the start of the COVID-19 pandemic. The state's jobless rate was down from 4.8% in January of 2021, the Virginia Employment Commission reported on Monday.

Virginia Supreme Court modifies, extends judicial emergency order

By JASON BOLEMAN, Virginia Lawyers Weekly (Subscription required for some articles)

The Supreme Court of Virginia released the 36th order extending the declaration of judicial emergency in response to the COVID-19 pandemic on March 4. The order, which applies to all of Virginia's circuit and district courts, extends through March 30. The extension means that the period of judicial emergency will officially last more than two years, as the initial order was enacted on March 16, 2020. Most notably, this latest order from the court removes language from previous orders that required courts to screen individuals entering the courthouse "if, and to the extent, recommended, by the Virginia Department of Health."

CONGRESS

Beyer nabs $1.4 million in federal funding for three local health, parks projects

By JO DEVOE, ArlNow

A $1.5 trillion spending bill that cleared Congress on Friday has funding for three projects in Arlington. . . . The bill also sends Arlington County more than $1.4 million to pay for a health initiative and two parks projects, for which Rep. Don Beyer (D-Va.) requested federal assistance last May. In total, the spending package has $5.4 million earmarked for 10 projects in Northern Virginia, at Beyer's request.

ECONOMY/BUSINESS

Thermo Fisher to invest $97 million to expand in the Richmond region

By GREGORY J. GILLIGAN, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Global life sciences company Thermo Fisher Scientific Inc. is planning to invest $97 million to expand its clinical research operations in the Richmond region in response to increased demand for its services. The company will create three bioanalytical labs — two in Henrico County and one in Richmond — over the next three years, adding about 500 new workers to its local workforce of more than 1,200 professionals.

New Colonial Downs owners have big plans for track, including a Kentucky Derby qualifying race

By MICHAEL PHILLIPS, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

As Colonial Downs prepares to change ownership, the new company has a message for Virginians: "We're bringing our checkbook." That's what Churchill Downs CEO Bill Carstanjen said during a recent visit to Richmond, as his group prepares to take over Virginia's only Thoroughbred racing venue, as well as the six Rosie's locations around the state.

Mountain Valley Pipeline Seeks Rehearing on Species Review

By MAYA EARLS, Bloomberg

The Fourth Circuit improperly second-guessed the federal government's review of the Mountain Valley Pipeline and jeopardized billions of dollars of completed construction at a time when there's a need for natural gas supplies from sources other than Russia, the pipeline company said in a petition for rehearing. Mountain Valley Pipeline LLC wants the full Fourth Circuit to consider two rulings: One that tossed the federal government's approval of a three-and-a-half-mile pipeline route through Jefferson National Forest in Virginia and West Virginia in January, and one that rejected the U.S. Fish and Wildlife Service's finding that the entire project wouldn't jeopardize ...

Jury trial begins in property owner compensation dispute with Mountain Valley Pipeline

By LAURENCE HAMMACK, Roanoke Times (Metered Paywall - 5 articles a month)

The company building a natural gas pipeline through a bucolic Bent Mountain property should be made to pay its owners $650,000 for their losses, a jury was told Monday. Mountain Valley Pipeline used its legal power of eminent domain to take part of a 560-acre tract owned by the Terry family four years ago. How much it should now compensate the owners will be decided during a weeklong trial in Roanoke's federal court.

Old mill coming down to make way for Danville casino

By JOHN CRANE, Danville Register & Bee

AMERICAN OVERSIGHT

Demolition of the 617,000-square-foot structure visible from West Main Street began Monday morning and is expected to be complete in about six weeks, said David Deatherage, vice president with D.H. Griffin Companies in Greensboro, North Carolina. D.H. Griffin is in charge of performing demolition and abatement and hazardous material removal. Materials at the site will be removed and recycled. The finishing building is made of steel, concrete and brick.

TRANSPORTATION

Local officials warn of impacts from upcoming, months-long Yellow Line shutdown

By MATT BLITZ, ArlNow

Local officials are concerned that major work on the Yellow Line, starting in September, will cause significant problems — and are asking Metro to come up with solutions. Last week, WMATA announced that the Yellow Line tunnel and bridge crossing the Potomac will shut down starting September 10 for up to eight months due to much-needed rehab work. Additionally, for six weeks, rail service south of National Airport will also be shut down to continue work on the new Potomac Yard station.

'People's Convoy' drives through D.C. after permit for organized demonstration downtown partially denied

By ELLIE SILVERMAN, KARINA ELWOOD AND IAN DUNCAN, Washington Post (Metered Paywall - 3 articles a month)

Police blocked interstate exits in Washington into downtown as hundreds of trucks, cars and SUVs protesting the government's response to the pandemic rode into the nation's capital to start a second week of demonstrations. Members of the "People's Convoy" and thousands of other motorists encountered severe backups Monday afternoon, when highway traffic that already was heavy only worsened with the convoy's arrival. The convoy entered the city via the 14th Street Bridge on Interstate 395 amid a near-standstill, then continued to Interstate 695 before crossing the Anacostia River and returning to the Beltway.

HIGHER EDUCATION

Hampton University, Amazon team up to launch robotics program

By SIERRA JENKINS, Daily Press (Metered Paywall - 1 article a month)

Several years ago, Hampton University began looking for ways to pique students' interests in computer science through a robotics pathway. That plan came to fruition this year when Amazon invested in the university to create a new degree program. The program will help students obtain advanced degrees and fill positions in the STEM and robotics field. Students completed their first capstone in the fall and school officials are planning an event this spring after its pilot year, Alissa Harrison, vice president of information technology, said in an email.

CORONAVIRUS

How DC, Va. plan to use wastewater to track COVID spread

By SCOTT GELMAN, WTOP

D.C. and Virginia have plans to ramp up their COVID-19 wastewater surveillance programs in the coming weeks, providing a tool that experts say allows health officials to get a pulse on community transmission before hospitals see a spike in patients. The process enables thousands of people to be screened at a time, by looking for biomarkers of the coronavirus in wastewater, said Rekha Singh, wastewater surveillance program manager at the Virginia Department of Health. The virus can be detected in wastewater between six and 15 days before a confirmed clinical case.

NRV health district will continue to monitor wastewater as COVID cases decline

By LEANNA SCACHETTI, WDBJ-TV

The leader of the New River Valley Health District said even though COVID-19 case counts are in the teens for the district, public health leaders aren't abandoning their vigilance against the virus. Dr. Noelle Bissell addressed the future of COVID-19 during a regular virtual briefing Monday afternoon. . . . Dr. Bissell said the health district will continue to do wastewater surveillance in an effort to keep a close eye on the virus. She anticipates we'll continue to live with COVID-19 as a seasonal illness and expects cases to rise again in late summer or early fall.

VIRGINIA OTHER

Two women are on a quest to map every racially restrictive property deed in Arlington

By JO DEVOE, ArlNow

A sociology professor at Marymount University and a former housing lawyer are poring over century-old property records to locate Arlington's segregated neighborhoods. It's a time-consuming process, but the goal is to map Arlington's "history of exclusion," says professor Janine DeWitt. . . . And DeWitt says she and her research partner, Kristin Neun, will not stop "until we find every last one of them and not before."

Poolesville languishes as White's Ferry reopening appears bleak, commissioner president says

By MATTHEW DELANEY, WTOP

While the negotiations to reopen White's Ferry have broken down over raw feelings, it's nearby Poolesville, Maryland, that's suffering for it, according to the town commissioners president. Poolesville is the first stop after departing the ferry on the Maryland side of the Potomac, which means commuter traffic is a boon for businesses in the up-county town of over 5,000. Losing the ferry in December 2020 meant "cutting off our arm at Virginia," according to Jim Brown, the president of the Poolesville Town Commissioners.

LOCAL

Fairfax County School Board files appeal over admissions ruling for Thomas Jefferson

By WILL VITKA, WTOP

Virginia's Fairfax County School Board filed an appeal Monday challenging a judge's ruling that would halt new admissions policies at Thomas Jefferson High School for Science and Technology. In a statement about U.S. District Judge Claude Hilton's decision, the board called the ruling "highly damaging." "Failing to challenge it would jeopardize race-neutral diversity efforts not just within Fairfax County Public Schools or at TJ, but also within public education more broadly," the board's statement said.

ACLU of Virginia threatens Hanover School Board with federal lawsuit

By HOLLY PRESTIDGE, Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

A Jan. 31 demand letter to the Hanover County School Board from the ACLU of Virginia threatening federal legal action on behalf of a transgender student was the catalyst behind an impromptu closed special session on Feb. 22 by the School Board as well as the board's 4-3 vote last week to "engage" Arizona-based Alliance Defending Freedom "for legal review" of the county's equal education policy at no cost to HCPS.

Former Hampton Roads Regional Jail officer accused of choking inmate

By JULIE MILLET, WAVY-TV

"Oh Lord, I'm gonna die today." That's what former Hampton Roads Regional Jail inmate Johnnie Simmons says he thought to himself on the morning of Feb. 8, 2019, when he complained to Master Jail Officer Robert Whitaker about problems with other inmates in the facility. Simmons is accusing Whitaker of choking him to the point where he passed out and urinated on himself. Whitaker is facing one count of felony strangulation and one count of assault and battery.

AMERICAN OVERSIGHT

Firm: Lawsuit to be filed Friday against Spotsylvania School Board

By ADELE UPHAUS–CONNER, Free Lance-Star (Metered Paywall - 10 articles a month)

A recent graduate of Courtland High School in Spotsylvania intends to file a lawsuit against the Spotsylvania County School Board on Friday. The Edwards Law Firm announced the pending litigation in a Facebook post on Monday afternoon. The suit will be filed in Spotsylvania General District Court on behalf of Makaila Keyes, 19, a 2020 graduate of Courtland. It alleges that the School Board, specifically Kirk Twigg, April Gillespie, Lisa Phelps and Rabih Abuismail, violated the Freedom of Information Act, employment and education law in actions taken during its Jan. 10, 2022, meeting.

Prosecution presents fraud case against Roanoke Councilman Jeffrey

By JEFF STURGEON, Roanoke Times (Metered Paywall - 5 articles a month)

Roanoke City Councilman Robert Jeffrey Jr. stole $15,000 in pandemic relief funds by inflating the number of full-time employees at his media and real estate companies with false applications submitted to grant-making authorities, prosecutors told jurors as Jeffrey's trial started Monday. Previewing his case, Jeffrey's lawyer raised the possibility that someone other than Jeffrey, such as one of his employees who has a criminal record, had submitted the forms that are the backbone of the government's case.

WPS equity efforts continue despite state policies

By EVAN GOODENOW, Winchester Star (Metered Paywall - 5 articles a month)

Efforts to provide a more culturally responsive curriculum and inclusive environment will continue in Winchester Public Schools despite Virginia's suspension of racial equity programs, according to Superintendent Jason Van Heukelum. The division's policy defines equity as "fostering a barrier-free environment whereby all students have the opportunity to benefit from the establishment of high standards and the provision of support, effective learning and resources for a high-quality education." Van Heukelum recently said that the division's equity policy is more a philosophy than a program.

Judge: Warrant for Wilson's Wild Animal Park raid was valid

By EVAN GOODENOW, Winchester Star (Metered Paywall - 5 articles a month)

Efforts to dismiss the animal cruelty case against a roadside zoo owner and his nephew were denied in Frederick Circuit Court on Monday. In a five-hour pretrial hearing, Judge Alexander R. Iden ruled Deputy Richard Samuels, a Spotsylvania animal control officer, didn't try to deceive a magistrate to get a search warrant for the raid on Wilson's Wild Animal Park on Aug. 15, 2019. The raid led to the seizure of 119 animals at the zoo at 985 W. Parkins Mill Road off Millwood Pike (U.S. 50) in Frederick County.

Campbell County superintendent looks to ban 'divisive subjects' in schools

By PAIGE MEYER, WSET-TV

Campbell County residents have weighed in on the superintendent's proposed resolution to ban divisive topics in the classroom during Monday night's school board meeting. Campbell County Public Schools Superintendent, Dr. Robert Johnson, is looking to ban Critical Race Theory, but he wants potentially divisive subjects to only be taught from a neutral position.

Horizon expanding mental health services for Bedford County Schools

By ELIZABETH THOMAS, WSET-TV

Bedford County Public Schools is expanding its mental health services provided to students. Horizon Behavioral Health, which currently provides mental health services in six Bedford County Public Schools, will be hiring four additional persons thanks to a grant it received. Horizon was awarded a $1.1 million grant from the Office of Child and Family Services and the Dept. of Behavioral Health and Developmental Services.

Pound Town Council to meet Tuesday with 3 new members

By MEGAN SCHNABEL, Cardinal News

The Pound Town Council is slated to meet Tuesday night with its first quorum since December. The future of Pound has been the subject of some debate in recent months, as a bill that now awaits the governor's signature gives the Wise County town until November 2023 to get its affairs in order or lose its charter.

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EDITORIALS

Bedford shows how to thwart book censors

Daily Progress Editorial (Metered Paywall - 25 articles a month)

Calling Bedford County a hotbed of liberalism would be a hard sell. The area between Lynchburg and Roanoke went 3-to-1 for Donald Trump in the 2020 presidential election. But this didn't stop county school officials from applying a rational review process that stopped a recent attempt to censor 11 library books. Book bans—including the occasional book burning suggestion—usually originate with parents who hope to force-feed their beliefs to entire student bodies. These folks try to bully and embarrass administrators into doing their bidding by raising a ruckus, rather than instilling their children with their personal philosophies and leaving other parents to do the same.

Is this supernova really NOVA?

Free Lance-Star Editorial (Metered Paywall - 10 articles a month)

If the Fredericksburg region were a star, it would be a supernova. Population in our area has soared 15.5 percent from 2010 to 2020. Real estate prices are up, up, up. And traffic on the area's three major non-interstate corridors—Routes 1, 3, and 17—seem to grow heavier by the day. And then there's Interstate 95. If we have to explain that headache, then you haven't had to deal with the congestion there. Count yourself lucky. Does this rapid growth, then, mean we're now a part of NOVA? It's a question that can roil us folks.

Let's aim for less police referrals, more dialogue

Richmond Times-Dispatch Editorial (Metered Paywall - 7 articles a month)

Amendments to existing legislation requiring principals to report certain misdemeanors to law enforcement stymies efforts made by 2020 laws passed that gave principals broader discretion on whether to report such misdemeanors. While both Senate Bill 36 and its companion House Bill 4 passed earlier this month, the bills received several dozen "no votes" from Virginia legislators. Many have said this reversal will lead to an excessive reporting of minor offenses — such as simple assault or disorderly conduct — of Black and brown students with disabilities, thus again giving fuel to the schools-to-prison pipeline.

COLUMNISTS

Yancey: How did this year's General Assembly do?

By DWAYNE YANCEY, Cardinal News

The 2022 General Assembly is now history. Well, sort of. The legislature still has to come back at some undermined point in the future to pass a budget and resolve whether we should repeal all or just part of the tax on food – so the two biggest things before this year's legislature are still undone. But all the passing and killing of most other bills and such is done. So, other than finishing work on the top two agenda items, what did this year's session accomplish?

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OP-ED

Hurt: In-person vs. virtual instruction, poverty and the SOLs

By MATT HURT, published in Roanoke Times (Metered Paywall - 5 articles a month)

During the 2020-21 school year, individual school divisions across Virginia were tasked with developing plans to address the instruction of their students during the COVID-19 pandemic while keeping students and staff safe at the same time. Every division offered fully virtual instruction options into which families could opt their children. The decisions to open schools for in-person instruction made by school divisions varied widely. Some divisions offered in-person instruction from day one, five days a week. Other divisions opened the year fully virtual, and at some point offered in-person instruction later in the year.

Hurt is the director of the Comprehensive Instructional Program based in Wise.

Cohn and Loughran: UVA and Southwest Virginia — partners in better cancer care

By WENDY COHN AND THOMAS P. LOUGHRAN JR., published in Roanoke Times (Metered Paywall - 5 articles a month)

Last month, the University of Virginia Cancer Center became the commonwealth's only National Cancer Institute-designated Comprehensive Cancer Center and one of just 52 in the United States — and it wouldn't have been possible without our neighbors and partners throughout Southwest Virginia. When people think about what cancer centers do, they often think of teams of experts providing the latest treatments, or researchers toiling to develop potential breakthroughs in cancer care and prevention that are then tested in clinical trials.

Cohn is associate director for community outreach and engagement at the Univeresity of Virginia Cancer Center. Loughran is director of the UVA Cancer Center, F. Palmer Weber-Smithfield Foods Professor of Oncology Research and professor of medicine.

Peace: Protecting Virginia's internet-related jobs

By CHRISTOPHER K. PEACE, published in Richmond Times-Dispatch (Metered Paywall - 7 articles a month)

Together, the people of our nation and this commonwealth have successfully navigated a pandemic amid great domestic social change, and now we peer into another great global crisis that has the possibility of negatively impacting our economy. From continued supply chain disruptions that emerged during COVID to the human catastrophe unfolding in Ukraine, our economic outlook is not as clear today as it was a few months ago, when we planned for a "return to normal."

Peace served in the Virginia House of Delegates from 2006 to 2020. He currently practices lawin Mechanicsville.

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 3:03:13 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

John:
Would you please let me know to whom this went - just received as a BCC.
Thank you,
Elizabeth

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> Good afternoon,
> Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.
What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

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Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?
A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

1. The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
2. Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet

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received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and

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otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--

John G. Hendron, Ed.D.
Superintendent's Office
Project Manager of Professional Learning & Organizational Development
Virginia Department of Education
101 N. 14th Street
PO Box 2120
Richmond, VA 23218-2120
email: john.hendron@doe.virginia.gov
web: www.doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 2/8/2022 11:04:59 AM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Attachments: image001.png

Jillian-do you have a contact at Health we could bounce this off?

On Mon, Feb 7, 2022 at 8:16 AM Hendron, John <john.hendron@doe.virginia.gov> wrote:

Qfrom Roanoke Supt after I sent the questions out last week....

---------- Forwarded message ---------
From: **Kenneth Nicely** <knicely@rcps.us>
Date: Fri, Feb 4, 2022 at 8:20 PM
Subject: RE: Questions/Answers from 24 Jan Supts Call
To: Hendron, John <john.hendron@doe.virginia.gov>

Dr. Hendron:

Thank you for your communication and efforts to help clarify these important concerns.

One point that is repeated several times in reference to CDC guidance and SB1303 is "Universal and correct masking, as recommended by the CDC, has been shown to be impractical."

Since this point would certainly help school divisions defend against possible legal claims that we are violating a statute (an exclusion in most school divisions' insurance coverage), could the VDOE or VDH provide some evidence or research to support the statement that "universal and correct masking…has shown to be impractical"? It would be hard for us to defend here in Roanoke County since our students and staff have been doing it successfully for a year and a half, but that is a question for our attorney. If there is anything out there to support the statement, that would be helpful.

Thanks again for your efforts.

Respectfully,

Ken Nicely

Ken Nicely, Ed.D.

Superintendent

Roanoke County Public Schools

www.rcps.us

From: Hendron, John <john.hendron@doe.virginia.gov>
Sent: Thursday, February 3, 2022 2:01 PM
Subject: Questions/Answers from 24 Jan Supts Call

CAUTION: This email originated from outside of Roanoke County Public Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,
Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.

On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.

Masking in Schools

What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?
Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.

HOUSE EDUCATION OVERSIGHT

While parents and families can choose for their child to not wear a mask at school, VDH recommends:

- All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
- People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
- People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
- People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
- Schools review the DOLI standard for any applicable mask requirements for teachers and staff
- Individuals who cannot wear a mask complete the 10-day isolation or quarantine period at home if feasible.

Do masks work against the spread of Omicron?
CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

Is EO 2 applicable to all after-school programs (sports, performing arts, etc.) or just the time during which in-person instruction is being offered?
Directive 2 of EO2 states that "The parents of any child enrolled in a[n] elementary or secondary school or a school based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program." (emphasis added) The plain language of EO2 is broad enough to encompass after school programs.

Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

How do division superintendents navigate both SB 1303 and E02?
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.

Please help division superintendents understand the relationship between EO2 and SB1303. We need your guidance on this perceived conflict.
We will let you know when the courts decide. It is the position of the Governor that EO2 and SB1303 are consistent. SB1303 requires in-person instruction to be provided in a manner that adheres, to the maximum extent practicable, to the CDC's recommended mitigation strategies to reduce transmission of COVID-19 in schools. SB1303 does not require absolute adherence to all of the CDC's recommendations but instead requires in-person instruction to be provided in a manner that adheres to the CDC's recommended mitigation strategies that are practicable. Universal and correct masking, as recommended by the CDC, has been shown to be impractical. Superintendents should be advised to consult their own attorneys.
What should a superintendent do when a school board has voted to retain a mask mandate?
The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

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A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

- The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
- Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
- The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
- The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

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Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if

they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet

  received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of

  COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to

  reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g.,

  sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff

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- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk
- of spreading infection.
-

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

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In service,

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John G. Hendron, Ed.D.

Superintendent's Office

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John G. Hendron, Ed.D.
Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617

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From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/10/2022 4:29:19 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Shanor, Richard" <dicky.shanor@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Attachments: image001.png

Health responded to the questions, not our office. These have already been sent to the participants on the Zoom, I believe.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Tue, Feb 8, 2022 at 10:37 AM Hendron, John <john.hendron@doe.virginia.gov> wrote:
Dr. Forlano was the epidemiologist on the call. But you may have been thinking of someone at the policy level.
laurie.forlano@vdh.virginia.gov

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Jillian-do you have a contact at Health we could bounce this off?

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Thanks again for your efforts.

Respectfully,

Ken Nicely

Ken Nicely, Ed.D.
Superintendent
Roanoke County Public Schools
www.rcps.us

From: Hendron, John <john.hendron@doe.virginia.gov>
Sent: Thursday, February 3, 2022 2:01 PM
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CDC offers guidance on how to use masks to slow the spread of COVID-19 and states that masks offer some protection against all variants. Respirators (specialized filtering masks such as N95s) do have better filtration, and if worn properly the whole time, can provide a higher level of protection than a cloth or procedural mask. Respirators are generally recommended for adults, and have not been tested for broad use among children. More information about the Omicron variant, its transmission, and the degree of protection provided by masks continues to emerge. VDH will continue to review the evidence for mask use and update guidance accordingly.

If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?
It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.

If masks are optional, are masked students in a class with an unmasked student (positive) considered to be close contacts if they were within 3-6 feet of the positive student for more than 15 minutes? And would the recommendation be to quarantine the entire class?
Yes to the first question. We recommend reviewing the definition of close contact and exceptions pertaining to K-12 schools. Quarantining an entire class would only be recommended if there were reason to believe the entire class had been exposed. Schools should consult their local health department on appropriate actions to take when outbreaks or clusters of COVID-19 occur in schools.

Are masks still required on school buses?
Yes. Per a federal order, masks are required when using public transportation, which includes school buses.

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Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?
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What should a superintendent do when a school board has voted to retain a mask mandate?

The superintendent should consult with the school attorney. Parents may seek judicial review of school board decisions under *Virginia Code* § 22.1-87. This statute provides that:

> "Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within thirty days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

Case Investigation and Contact Tracing

Why is VDH changing its approach to case investigation and contact tracing in the general community, including in schools?

A number of scientific and other factors reduce the utility and feasibility of universal case investigation and contact tracing for each COVID-19 case at this time. These factors include:

- The large number of asymptomatic and less severe cases due to changes in the virus and widespread vaccination in the U.S.
- Many infections are never identified by public health agencies because persons with asymptomatic or mild cases may not get tested, as well as the increasing use of "over the counter" at-home tests, which are generally not reported to public health agencies
- The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
- The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).

If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?

In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?

Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?

A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?

This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?

VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?

Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

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If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?

When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak

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- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

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If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?
The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

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John G. Hendron, Ed.D.

Superintendent's Office

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Virginia Department of Education

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From: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Sent: 2/3/2022 5:18:25 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: Questions/Answers from 24 Jan Supts Call

Thank you

On Thu, Feb 3, 2022 at 2:27 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

> It went to all division superintendents, and any others invited on last Monday's call (VASS, VHSL, VSBA).
>
> On Thu, Feb 3, 2022 at 2:03 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
>
> > John:
> > Would you please let me know to whom this went - just received as a BCC.
> > Thank you,
> > Elizabeth
> >
> > **Elizabeth L. Schultz**
> > **Assistant State Superintendent of Public Instruction**
> > Virginia Department of Education
> > 101 North 14th Street
> > Richmond, Virginia 23219
> > 804-658-6043
> > elizabeth.schultz@doe.virginia.gov
> >
> > On Thu, Feb 3, 2022 at 2:01 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:
> >
> > > Good afternoon,
> > > Included below are the questions we collected on 24 January on our call with VDH and the Secretary of Education's office. Thank you for your patience as we collated the answers to these questions.
> > >
> > > On January 24, the Virginia Department of Education hosted a webinar with division superintendents and local health directors. Education Secretary Guidera, State Superintendent Balow, and Acting Commissioner Greene made opening comments. Dr. Forlano, Deputy Director, Office of Epidemiology, reviewed guidance toward the prevention of COVID-19 in school settings published on January 21, 2022. Questions and responses are below. As a reminder, neither state agencies, nor the Office of the Attorney General, provides legal advice.
> > >
> > > ## Masking in Schools
> > >
> > > **What is the VDH recommendation regarding masking in schools? Is VDH no longer recommending universal masking in schools?**
> > > Executive Order 2 allows parents to decide if their child will wear a mask at school. Specifically, it states that parents of any child enrolled in an elementary or secondary school or a school- based early childcare and educational program may elect for their children not to be subject to any mask mandate in effect at the child's school or educational program.
> > >
> > > While parents and families can choose for their child to not wear a mask at school, VDH recommends:
> > >
> > > - All persons aged two and older, regardless of vaccination status, wear masks indoors in public settings when community level of transmission is substantial or high.
> > > - People who are not up to date on COVID-19 vaccines are recommended to wear a mask indoors in public settings regardless of the level of community transmission.
> > > - People wear a mask when they return to school on days 6-10 following a 5-day isolation or quarantine period
> > > - People who are exposed but do not have to quarantine (e.g., students who are up-to- date or if aged 12-17 and completed the primary series) wear a mask for 10 days
> > > - Schools review the DOLI standard for any applicable mask requirements for teachers and staff
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> > > **Do masks work against the spread of Omicron?**
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> > > **If not all persons in a school are masking, won't this potentially result in more students and staff being identified as close contacts?**
> > > It is possible. The definition of close contact and expectations pertaining to K-12 schools can be found online. Application of this close contact definition in an environment where all persons in K-12 schools are not masking may result in additional students or staff being identified as close contacts.
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> > > Yes. Per a federal order, masks are required when using public transportation, which includes school buses.
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> > > **Should school leaders follow SB1303 or EO2? And until a court gives that answer, it is not going to be resolved. Can you let us know when the courts will decide?**
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3. The highest risk of transmission to others occurring prior to symptom onset and during the first few days of symptomatic illness (or immediately after first testing positive for those who remain asymptomatic)
4. The shorter incubation period of the Omicron variant. Consequently, only a very small portion of total cases and close contacts are being reached by public health contact tracers in time to prevent onward transmission.

Can schools require students to wear a mask to return to school on days 6 through 10 after their recommended 5-day quarantine period? (Same question for those students who have isolated at home for a positive test, regardless of symptoms).
If a child has tested positive, the parents have a choice to either send their child to school wearing a mask on days 6-10 or to continue isolation on days 6-10.

If a child is unvaccinated for COVID-19 or not up to date on the COVID-19 vaccine series and has had a known exposure to COVID-19, the parent can choose for the child to participate in the Test to Stay program, if available, or to quarantine at home. If the parent chooses for the child to participate in the Test to Stay program, then the parent agrees to the student wearing a mask for 10 days after the exposure. The consent form is clear on this expectation. So if the parent consents for their student to participate in the Test to Stay program, the school can require the student to wear a mask for 10 days following exposure to stay in school. If the parent does not consent to the Test to Stay program or the program is unavailable, the child should quarantine at home for 5 days and may return to school on day 6. The parent has a choice to either send the child to school wearing a mask on days 6-10 or to continue to quarantine at home on days 6-10.

If school officials become aware of a case of COVID-19 in a member of their school community, does VDH recommend or expect that schools notify public health of every case?
In light of these changes, generally speaking, VDH no longer expects schools to report every case of COVID-19 to their local health department. However, in consultation with their local health department, schools may continue to do so if desired and capacity allows.

Schools should continue to report suspected outbreaks to public health and situations where the school has identified multiple cases comprising at least 10% of students, teachers, or staff within a specified group (e.g., 10% in a grade, among teachers, or school-wide, etc.). Public health epidemiologists in local health departments can assist with determining if there is an outbreak and/or if there is in-school transmission.

When school officials become aware of a student, teacher or staff person with COVID-19, does VDH recommend or expect that schools will identify the school-associated close contacts of that person?
Schools are no longer expected to conduct contact tracing on every individual case of COVID- 19. However, contact tracing remains one component of the layered prevention strategies approach and should be continued in partnership with local health departments when there are outbreaks and sustained transmission within schools. Regardless of the level of contact tracing at a school for COVID-19, schools should notify parents and families of a case of COVID-19 when a member of the school community becomes known to them.

What is the definition of a COVID-19 outbreak in school?
A COVID-19 outbreak is one in which 3 cases have onset of illness (or if asymptomatic, positive specimen collection date) within a 14-day period, and are epidemiologically-linked (associated in person, place and time) without another more likely source of exposure (e.g., household of close contact to a confirmed case outside of the school setting).

Schools should also report identification of multiple cases comprising greater than 10% of a group/population without well-defined epi-links (e.g., in a grade, among teachers, school-wide, etc).

Who is the responsible party for making the decision regarding closure of classrooms when outbreaks occur? Is this a local public health decision or a decision of the local education agency?
This is a decision for the school and its school board.

When does VDH recommend isolation for students, teachers and staff for COVID-19?
VDH recommends that people who have tested positive for COVID-19, regardless of symptoms, should isolate for at least 5 days for COVID-19. For more information on when it is safe to release from isolation, please refer to this infographic. A helpful flowchart intended for K-12 parents is also available.

When does VDH recommend quarantine for students and staff for COVID-19?
Generally speaking, anyone not up-to-date on COVID-19 vaccinations who learns they have had close contact with someone with COVID-19 is recommended to quarantine at home for 5 days and follow other public health advice. For more information on when it is safe to release from isolation, please refer to this infographic. The VDH also developed a flowchart intended for K-12 parents. VDH may also recommend strong adherence to quarantine recommendations in situations of sustained outbreaks or ongoing transmission within schools. People who have recently recorded a positive test within 90 days do not need to quarantine.

If students, teachers and staff report testing positive for COVID-19, what should schools do with this information?
When cases are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools exclude these people from the school environment according to public health recommendations for isolation. In addition, schools should continue to communicate isolation and quarantine recommendations to the school community so that students, teachers and staff are aware of recommended practices. Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

If students, teachers and staff report being a close contact of a COVID-19 case, what should schools do with this information?
Schools may not always be aware of which persons in their school community are recommended to quarantine at any given time. When close contacts who are recommended to quarantine are identified in a student, teacher or staff person and are known to school officials, VDH recommends that schools consider excluding these people from the school environment according to public health recommendations for quarantine. VDH acknowledges that quarantine may not always be practicable for all people. An alternative to traditional quarantine is Test to Stay.

Schools are also important partners in educating parents, teachers and staff about actions to take if they are exposed such as testing, monitoring for symptoms, self-reporting illness, and staying home if they are sick. Some school communities may expect higher levels of contact tracing than others.

Are school officials required to exclude children who are known to be close contacts from school? What entity has the authority to make the decision whether a student should stay home from school?
VDH provides recommendations for quarantine and isolation. The State Health Commissioner has the authority to order isolation or quarantine in certain circumstances. In the vast majority of situations, people cooperate with public health and voluntarily isolate and quarantine. The decision to order isolation or quarantine is taken very seriously and is only invoked when absolutely necessary.

Schools have the authority to direct a student to stay home from school due to illness or exposure to COVID-19 as per school policy, and should consider CDC and VDH recommendations on isolation or quarantine when making these decisions, as they do for other communicable diseases.

Why do students who are fully vaccinated not need to quarantine and can stay in school? Can't vaccinated persons also contract and transmit COVID-19 to others?
Yes, but their risk is much lower than for unvaccinated persons. People who are up-to-date on their COVID-19 vaccines by getting all recommended doses, including booster doses if eligible, have the highest level of protection against COVID-19 from Omicron. Early studies from other countries suggest reduced effectiveness of COVID-19 vaccination against symptomatic Omicron infection, but moderate to high protection in people following a booster dose. A CDC study found that during the emergence of the Omicron variant adults who were unvaccinated had 5 times the risk of infection compared to adults who were fully vaccinated and boosted and 3 times the risk of infection compared to adults who were fully vaccinated with no booster dose. Additionally, a study of transmission (or spread) of the virus in Danish households found that people who were fully vaccinated and boosted generally had reduced transmissibility. Comparatively, unvaccinated people had higher transmissibility

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than those fully vaccinated but not boosted. Given the increased protection against Omicron infection and the reduced transmissibility following a booster dose, those who have received a booster dose are at lower risk of SARS-CoV-2 infection and at lower risk of spreading to others after coming into close contact with someone with COVID-19.

In summary, vaccination decreases the chance that an individual will become infected with the virus that causes COVID-19 and further transmit the virus to others. However, booster doses are needed to provide higher vaccine effectiveness against the Omicron variant. Unvaccinated individuals remain the most vulnerable to COVID-19 infections.

VDH recommends that everyone stay up-to-date with COVID-19 vaccinations.

- Children ages 5-11 years who have completed their primary series are up-to-date.
- Students ages 12-17 years old who completed their primary series but have not yet received all eligible boosters can forgo quarantine at this point in time, to allow time for them to catch up on booster doses. These students are advised to continue to monitor symptoms and take other precautions such as masking for the 10 days following known exposure.

Who is the responsible party for decision making regarding closure of classrooms when outbreaks occur? Is this a local public health decision or decision of the Local Education Agency (LEA)?
The local school district makes the decision, in consultation with local health departments.. During outbreaks with sustained transmission in schools, local health departments can make recommendations on appropriate steps to reduce transmission and prevent further spread.
Public health will make recommendations based on the specific risks of an outbreak. Examples of the strategies that may be considered include:

- Notification to parents of cases identified in classrooms
- Maintaining daily or weekly dashboards or reports of total cases identified throughout
- school as a method of providing school-wide situational awareness on presence of COVID-19.
- Increased messaging that parents may opt for children to wear masks as a strategy to reduce disease transmission. Encouraging mask use among teachers/staff.
- Temporary pause in non-educational activities when it is related to the outbreak (e.g., sports and extracurricular activities)
- Temporary pause in higher risk activities in the school environment (e.g., indoor singing/live performances; large in-person activities, etc) if it is related to the outbreak
- Increased physical distancing and cohorting
- Increased education about hand washing, ventilation, respiratory etiquette, staying at home while ill, etc.
- Decreased nonessential visitors, volunteers, and activities involving external groups or organizations
- Increased testing of students, teachers, and staff
- Cleaning and disinfection to remove potential virus on surfaces, which further reduces any risk of spreading infection.

Should schools and local health departments also consider impacts to local health care systems when making decisions about COVID-19 mitigation measures in schools?
Schools should make decisions based upon the situation in the school, but after consultation with the local health department. Even when the circulating variant of COVID-19 is not causing severe illness in children or adults, variants that are very transmissible such as Omicron can result in large volumes of patients seeking care at hospitals and health care facilities. Considering impacts to health care systems is an important component of decision making related to mitigation strategies. Local health departments monitor hospitalization trends and data on health care capacity and can provide information to school officials to help with decision-making.

Are there any special considerations for classes such as chorus or band?
Activities that increase respiration, such as singing, can generate an increased amount of respiratory droplets and aerosols that may contain the COVID-19 virus if a person is infected. Schools may wish to consider several prevention strategies such as increased distancing, reminders about masking as prevention, screening testing, cohorting, and moving performances outside where feasible.

Testing

Will the ViSSTA program continue to be offered to schools?
Schools may continue to implement the ViSSTA screening testing program. Screening testing remains an important mitigation strategy to prevent transmission of COVID-19 in schools. Screening testing can help promptly identify and isolate cases, which then can assist in identifying those who may have been exposed to COVID-19 and are not fully vaccinated so that they can be told that it is recommended they quarantine, and identify clusters or outbreaks of COVID-19 earlier. This can help reduce the risk to students, teachers and staff, and controlling outbreaks before they expand can help limit any disruption to in-person education. Please visit the ViSSTA website for more information, or contact your designated K-12 Testing Coordinator.

The Revised K-12 Interim Guidance emphasizes testing. Are there enough tests available to implement widespread school testing programs?
School divisions participating in ViSSTA and Test to Stay initiatives are receiving support for testing. VDH has provided vendors to conduct PCR screening testing at schools and has also provided supplies of at-home antigen test kits for Test to Stay and/or diagnostic testing for members of the school community who have symptoms or known exposure. Please visit the K12 Testing webpage for more information or contact your assigned K12 Testing Coordinator if you have additional questions.

Do parents have to notify the schools if their child tests positive?
VDH and VDOE expect that parents would adhere to the best practice of keeping their child home from school if their child has signs/symptoms of COVID-19 or has a positive test for COVID-19. Parents should follow local school policy regarding notification to school officials regarding positive tests of students. VDH recommends that persons with a positive test result stay home for the recommended isolation period, follow other public health advice, and notify their close contacts of potential exposure. Staying home from school or work when we are sick is one of the most effective ways to prevent the transmission of COVID-19.

Can schools accept antibody tests in lieu of negative molecular or antigen tests?
Not recommended. The CDC advises that antibody testing is not a replacement for virologic testing and should not be used to establish the presence or absence of acute SARS-CoV-2 infection. Individuals who test positive by direct viral detection methods for SARS-CoV-2 (such as antigen detection tests) typically do not develop measurable antibodies until 7-14 days after their illness begins.

Antibody testing is not recommended for Test to Stay as it would not provide accurate information on whether the student has an acute infection with SARS-CoV-2 (the virus that causes COVID-19), which is necessary to determine if a student needs to immediately isolate at home or can proceed to in-person instruction. VDH recommends the use and has provided supplies of the eMed Abbott BinaxNOW rapid antigen test kits for schools participating in Test to Stay.

As a reminder, public health does not recommend nor require a test to be released from Isolation.

Test to Stay

Is Test to Stay (TTS) still needed?
Yes. The new guidance and shift to more outbreak focused containment strategies will likely result in fewer school age children being identified as close contacts and therefore fewer children identified as needing to quarantine. When children are identified as needing to quarantine (e.g. as part of an outbreak investigation), Test to Stay is a helpful strategy to keep kids in school during their 5 day recommended quarantine period.

Many schools already implement screening testing programs through the ViSSTA program, and have supplies for diagnostic testing for those persons who present with signs/symptoms of illness or are close contacts of an individual with COVID-19.

Schools may utilize testing programs to meet their needs, which may be more generalized testing for the school population, or more focused testing targeted to classrooms, grades, or other groups where an increase in cases or an outbreak is suspected. VDH encourages the use of screening and diagnostic testing as a tool to mitigate new introductions into schools.

If interested, can schools still enroll in the Test to Stay program?
Yes. VDH continues to support interested schools in implementing Test to Stay. School divisions can still send in their attestation forms. School divisions interested in Test to Stay can contact test2stay@vdh.virginia.gov with any questions and visit the VDH Test to Stay Website for more information.

Must a school division have a universal masking mandate to participate in *Test to Stay*?
No. A parent has the choice of whether or not their student participates in the Test to Stay program. If a parent consents to the student's participation in the program, then the parent agrees to the student wearing a mask at all times (except for when eating and drinking) for 10 days after the exposure. The consent form is clear on this expectation.

AWAITING AN OVERSIGHT

If the parent consents for their student to participate in the test to stay program, then *the school can require the student to wear a mask for 10 days following exposure* to stay in school. If the student does not wear a mask, then the alternative is to quarantine. This is in line with the new flow chart. Schools implementing Test to Stay should consider privacy and confidentiality concerns for students participating in Test to Stay in light of any other school masking policies.

Department of Labor and Industry (DOLI)

Does the Virginia Department of Labor and Industry (DOLI) Emergency Temporary Standard require employees to wear masks when COVID-19 rates are high? And does this include teachers?

The Virginia DOLI Standard states that employers shall provide and require employees that are not fully vaccinated, fully vaccinated employees in areas of substantial or high community transmission, and otherwise at-risk employees (because of a prior transplant or other medical condition) to wear face coverings or surgical masks while indoors, unless their work task requires a respirator or other PPE. Exceptions are provided in the standard.

In service,

--
John G. Hendron, Ed.D.
Superintendent's Office
Project Manager of Professional Learning & Organizational Development
Virginia Department of Education
101 N. 14th Street
PO Box 2120
Richmond, VA 23218-2120
email: john.hendron@doe.virginia.gov
web: www.doe.virginia.gov

--

John G. Hendron, Ed.D.
Office of the Superintendent of Public Instruction &
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617
--

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/15/2022 9:25:42 AM
To: "Schultz, Elizabeth" <elizabeth.schultz@doe.virginia.gov>
Cc: "Jillian Balow" <jillian.balow@doe.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>
Subject: Re: Standards of Emotional Learning Requirements

---

sure

On Tue, Mar 15, 2022 at 9:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:

> Superintendent refusing to divulge legal matters to a school board member in case headed to VA SCOTUS?
>
> Can we discuss?
>
> ---------- Forwarded message ---------
> From: **Brandi Rutz** <brandirutz@icloud.com>
> Date: Mon, Mar 14, 2022 at 10:54 PM
> Subject: Standards of Emotional Learning Requirements
> To: <elizabeth.schultz@doe.virginia.gov>
>
>
> Hi Mrs. Schultz,
>
> We met a Noah Webster Education Conference in Lynchburg a few weeks back. I was hoping you could give me clarity on two things.
>
> First is the Standards of Emotional Learning requirements for Virginia Educators, what are they? I was emailed a schedule for our Staff orientation for August, and we have 2 days we have SEL training presented by Allison Jackson. I do not know what organization Ms. Jackson is from.
>
> Secondly, is the definition of a body corporate for the school board. I mentioned during my introduction at the NWEF that my school district had recently had some turmoil regarding the name change of Stonewall Jackson High. The way in which it was done (under Covid, 9 days, no public input) has sat poorly with our county constituents.
> I put partial blame on our school legal counsel. When I tried to request correspondence between the attorney and board/Superintendent for that topic (done in 2020-2021, I was elected in Nov 21) I have been denied. First on the premise that It violated attorney/client privilege and when I pushed back on that (I am now the client) I was told, the information had to be requested from the whole board. Mind you, 3 of them sat on the board at that time. We have pending litigation as the suit against SCPS is being presented to the Va. Supreme Court for possible appeal.
>
> It seems Superintendents and attorneys alike are using the vague terms of body corporate to deny independent visits of board members to schools and information. Our prior superintendent did deny a board member the benefit of visiting schools and claimed one must have permission first. Thankfully, he is gone, but I doubt he is a rare case of such misuse of the ideology.
>
> I appreciate any clarity you can offer.
>
> By the way, I asked my Superintendent if she signed the push back on Youngkins Tip Line that the Association of Superintendents and the WaPO claim all 133 District Superintendents signed. She claimed she did not. I don’t have a reason to doubt her.
>
> Thank you in advance of your time.
>
> Warm Regards,
>
> Brandi Rutz
>
>
>
>
>
> Sent from my iPhone
> --
>
> Elizabeth L. Schultz
> Assistant State Superintendent of Public Instruction
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/25/2022 10:35:06 PM
To: "Pyle, Charles" <charles.pyle@doe.virginia.gov>
Cc:
Subject: Re: Statement on Report on Inherently Divisive Policies, Programs, Training, and Curricula

Attachments: image001.png ,image003.png ,image002.png ,image004.png

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Thx

On Fri, Feb 25, 2022 at 9:16 PM Pyle, Charles <charles.pyle@doe.virginia.gov> wrote:

> FYI.
>
> Charles B. Pyle
> Director of Media Relations
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 mobile
>
> ---------- Forwarded message ---------
> From: **Pyle, Charles** <charles.pyle@doe.virginia.gov>
> Date: Fri, Feb 25, 2022 at 8:54 PM
> Subject: Re: Statement on Report on Inherently Divisive Policies, Programs, Training, and Curricula
> To: Sprouse, Ryan <RSprouse@wusa9.com>
>
> Ryan,
>
> The rescinded policies, programs, resources and web content were evaluated based on the criteria established by Executive Order #1 and discussed in Superintendent of Public Instruction Jillian Balow's letter communicating the interim report to Governor Glenn Youngkin and Secretary of Education Aimee Guidera.
>
> Superintendent's Memo #050-19, issued by then-state superintendent James Lane, was rescinded given its explicit endorsement of resources promoting inherently divisive concepts as defined by the executive order.
>
> Governor Youngkin, Secretary Guidera, and Superintendent Balow believe that every Virginia student deserves and should receive thorough, accurate and comprehensive instruction in history, civics and other social sciences. History instruction in the commonwealth's public schools is based on the Virginia's History and Social Science Standards of Learning. These standards are established by the state Board of Education. The rescinded content identified in the interim report does not include any standards, learning objectives, or suggested instructional strategies and experiences identified in Board of Education-approved standards and curriculum frameworks for any grade level or history course.
>
> Pre-pandemic data from state and national assessments show no correlation between the Virginia Department of Education's now-discontinued "#EdEquityVA" initiative and related efforts with higher student achievement. In fact, the reading proficiency of Virginia fourth- and eighth-grade students – as measured by the 2019 National Assessment of Educational Progress – declined significantly following the initiation of the programs and policies associated with #EdEquityVA, mirroring trends since 2017 on state SOL assessments.
>
> VDOE is committed to its mission of providing leadership, guidance and support to school divisions and schools as they seek to improve outcomes for all students and provide the instruction and services necessary for all children to achieve academic success and attain college and career readiness. The department also is committed to expanding educational opportunities for all students without reducing opportunities for any student.
>
> Charles B. Pyle
> Director of Media Relations
> Virginia Department of Education
> Charles.Pyle@doe.virginia.gov
> (804) 371-2420
> (804) 640-2117 mobile
>
> On Fri, Feb 25, 2022 at 6:18 PM Sprouse, Ryan <RSprouse@wusa9.com> wrote:
>
> > Hello,
> >
> > We do have a deadline on this, we would like a response by the latest at 9:00 PM
> >
> > I hope you two are having a lovely week, and excited for the weekend ����. I did have a couple of questions about the release the Governor's office put out today about the "Report on Inherently Divisive Policies, Programs, Training, and Curricula"
> >
> > 1: Is critical race theory being taught in VA schools? If not how can you promote discriminatory and device concepts?
> >
> > "The interim report lists rescinded policies and programs that promote discriminatory and divisive concepts, such as critical race theory, as directed by Executive Order One."
> >
> > 2: Having a Muslim teach about 9/11 and the prejudice they faced, can you explain why this is rescinded?
> >
> > "Rescinded "Teaching 9/11"v EdEquity VA Web Series Rescinded 9/2/22 in response to public criticism • Included in this list to establish VDOE and the "commitment to equity" and equitable outcomes prior to January 15, 2022. "

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3: The Ruby Bridges quote

Can you explain what could be divisive about teaching about race relations and the history of Virginia connection to it?

4: Resources for teaching (photo attached)

Can you explain why teaching about Black face, Racism in the classroom and learning about Charlottesville, and fighting against bigotry is divisive?

Thanks,

Ryan Sprouse |**Multi-Platform Assignment Editor**

4100 Wisconsin Ave NW | Washington, DC 20016

W 202-384-3868

O 202-895-5700

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--

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

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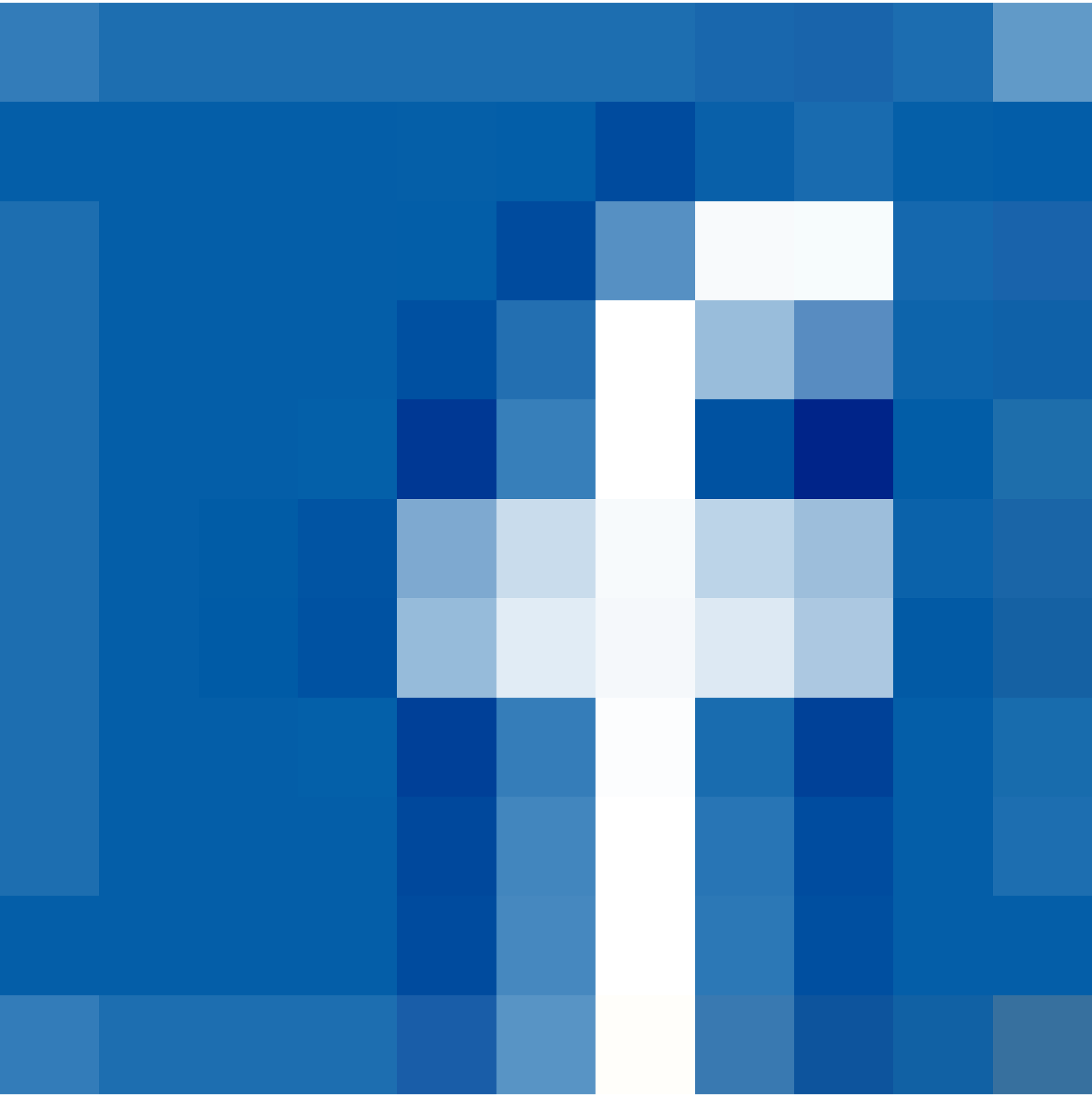

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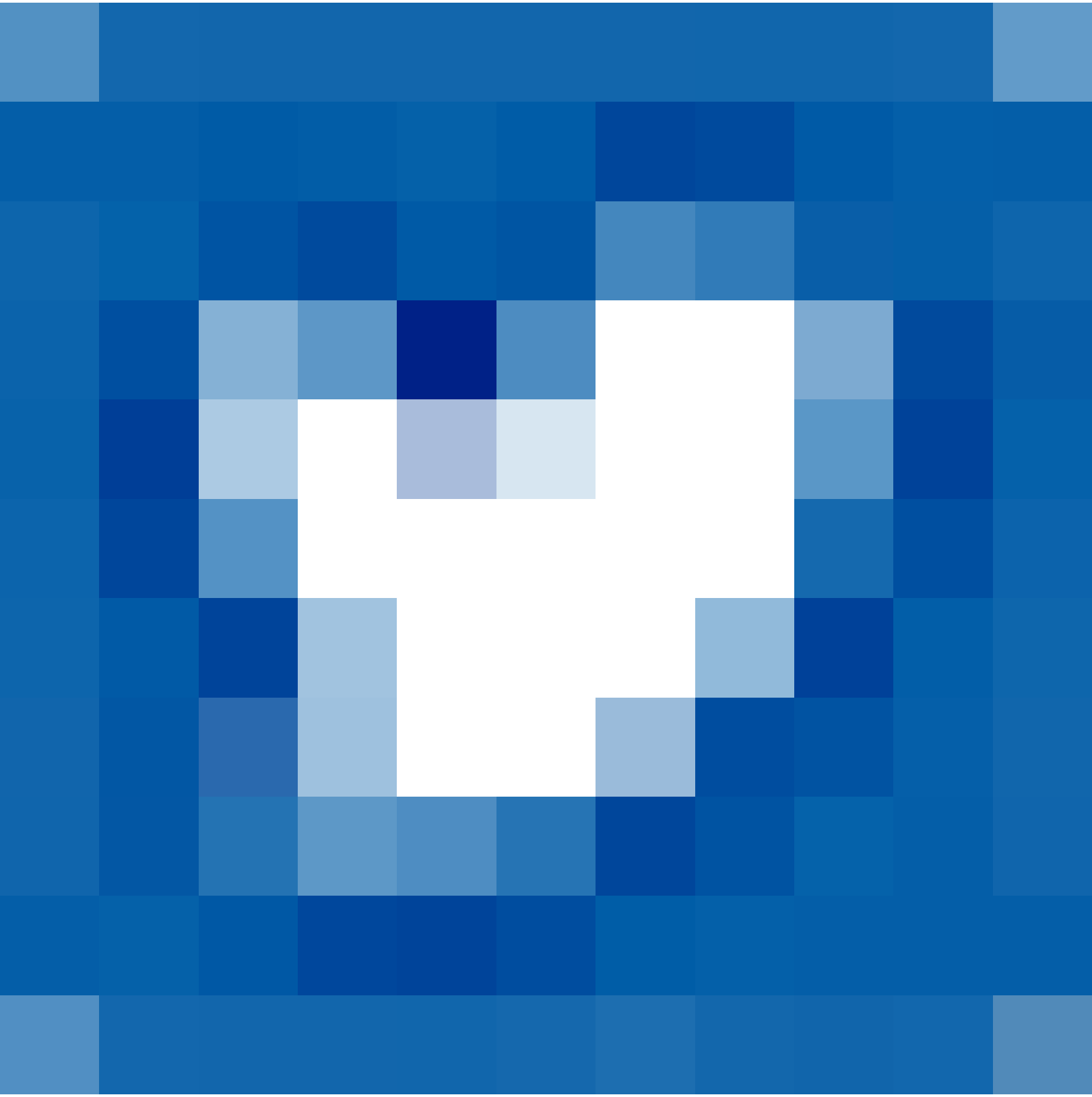

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From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 1/25/2022 4:19:05 PM
To: "Coy, Holly" <holly.coy@doe.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>, "Ken Blackstone" <ken.blackstone@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>
Cc:
Subject: RE: Triage items

Attachments: SFAC Presentation_Balow.pptx

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1) Thursday afternoon Senate Finance K-12 Subcomm Jillian presentation-slide deck attached. Holly sending to Sec and Gov. offices.

2) Literacy Bill-Holly testify in support Wednesday morning

3) Holly supporting Tebow bill this afternoon

Thanks!

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Early Childhood & K-12 Budget Updates

Presented to
The Senate Finance K-12 Subcommittee
January 2022

Jillian Balow
Superintendent for Public Instruction
Virginia Department of Education

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VA-DOE-22-0316-B-001937

Governor Youngkin's K-12 Budget Amendments

VIRGINIA DEPARTMENT OF EDUCATION

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VA-DOE-22-0316-B-001938

Governor Youngkin's K-12 Budget Amendments

Proposed Investments

- Laboratory Schools
- School Resource Office Incentive Grants

Language Only

- Prohibits the promotion of inherently divisive concepts in public education

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VA-DOE-22-0316-B-001939

K-12 Related Budget Amendments

	FY23	FY24	Context
Lab Schools Item 136 #16g	$100M	$50M	Adds to the existing Lab School fund established by § 22.1-349.2.
SRO Incentive Grants Item 408 #12g	$25.8M	$25.8M	Adds to the existing SRO incentive grant fund housed at the Department of Criminal Justice Services (DCJS)

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Divisive Issues Language
HB29 - Item 4-14.00 #2g

That the Code of Virginia is amended by adding a section numbered 22.1-208.03 as follows: § 22.1-208.03. *Curricula and instruction including inherently divisive concepts prohibited.*

A. As used in this section, "inherently divisive concepts" means advancing any ideas in violation of Title IV and Title VI of the Civil Rights Act of 1964, including, but not limited to of the following concepts (i) one race, skin color, ethnicity, sex, or faith is inherently superior to another race, skin color, ethnicity, sex, or faith; (ii) an individual, by virtue of his or her race, skin color, ethnicity, sex or faith, is racist, sexist, or oppressive, whether consciously or subconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race, skin color, ethnicity, sex or faith; (iv) members of one race, ethnicity, sex or faith cannot and should not attempt to treat others as individuals without respect to race, sex or faith; (v) an individual's moral character is inherently determined by his or her race, skin color, ethnicity, sex, or faith; (vi) an individual, by virtue of his or her race, skin color, ethnicity, sex, or faith, bears responsibility for actions committed in the past by other members of the same race, ethnicity, sex or faith; (vii) meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

B. Each public elementary or secondary school principal shall ensure that no curriculum utilized or instruction delivered in the school includes inherently divisive concepts, regardless of whether such curriculum or instruction is provided by a school board employee or any other individual or entity."

5

As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
- **Virginia Preschool Initiative -** Enrollment numbers were down 6% (1,041 slots), despite extending the enrollment period to January 2021. Overall preschool enrollment decreased by 18.58%.
- **Child Care Subsidy -** Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19.

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VDOE Budget as Introduced in SB30

VIRGINIA DEPARTMENT OF EDUCATION

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VA-DOE-22-0316-B-001942

Overview

Introduced Budget for FY22-24 Includes:

1. Technical Adjustments
   - Anticipated Technical Adjustments
   - Programmatic Savings

2. Non-technical Changes
   - Early Childhood Care and Education
   - Responding to JLARC
   - Other Agency Investments

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VA-DOE-22-0316-B-001943

Central Office Operating Budget Overview

Department of Education, Central Office Operations

	Operating Budget Summary			Authorized Position Summary		
	General Fund	Nongeneral Fund	Personnel Cost	General Fund	Nongeneral Fund	Total Positions
2019 Appropriation	$61,947,187	$46,717,981	$34,941,342	144.00	185.50	329.50
2020 Appropriation	$64,519,602	$56,618,929	$35,713,502	149.00	185.50	334.50
2021 Appropriation	$75,141,179	$57,417,607	$37,633,110	151.00	185.50	336.50
2022 Appropriation	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2023 Base Budget	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2023 Intro Changes	$6,043,995	$32,912,537	$5,733,424	30.00	0.00	30.00
2023 Total	**$77,802,577**	**$337,773,641**	**$44,018,908**	**188.17**	**335.83**	**524.00**
2024 Base Budget	$71,758,582	$304,861,104	$38,285,484	158.17	335.83	494.00
2024 Intro Changes	$18,719,820	$39,434,714	$9,074,849	56.00	0.00	56.00
2024 Total	**$90,478,402**	**$344,295,818**	**$47,360,333**	**214.17**	**335.83**	**550.00**

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Programmatic Savings Captured

	FY23	FY24	Context
CTE Database	($208,000)	($208,000)	Removes one–time funding to replace the CTE curriculum database and integrate the system into the state's learning management system.
IEP Training Module	($75,000)	($75,000)	Removes one-time funding to develop training modules for IEP team members.
SPED Training Module for licensure renewal	($150,000)	($150,000)	Removes one-time funding to develop a training module for teachers seeking to renew their teaching license on special education and differentiated instruction
Teacher Licensure Automation	($100,000)	($100,000)	Removes one–time funding transferred from FY2021 to FY2022 in Chapter 552 to automate the teacher licensure system.
COVID Relief Funding	($68,208,428)	($68,208,428)	Removes one–time COVID–19 relief funding from the agency's base appropriation.
Division Monitoring Plan		($120,000)	Removes one–time funding to develop and implement a pilot program to more comprehensively supervise school division compliance with state standards.

AMERICAN OVERSIGHT

Responding to JLARC

The December 2020 JLARC Report on *Operations and Performance of the VDOE* made recommendations around the Office of School Quality and role of the Department in teacher recruitment and retention. The Introduced budget includes two items directly related to this JLARC report.

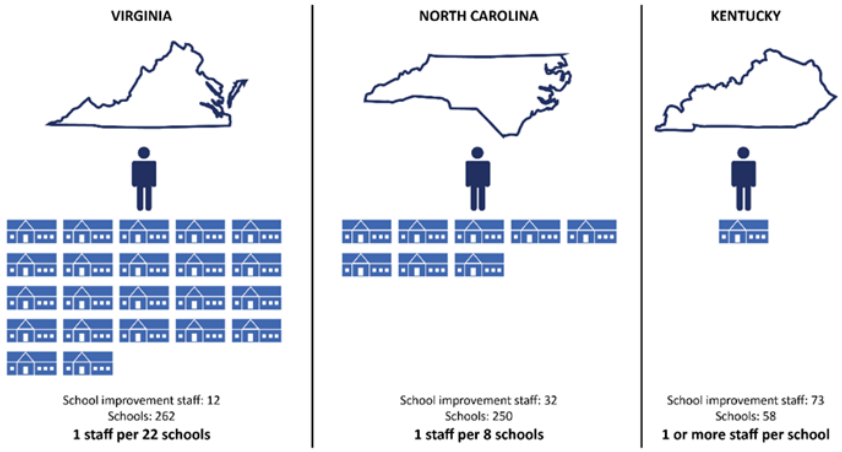
Office of School Quality	$3,325,860 (25 positions)	$6,552,285 (50 positions)	Expands the Office of School Quality to establish a regional continuous improvement model of support for school divisions not meeting state accreditation standards and federal accountability standards.
Teacher Recruitment and Retention			Language only: Expands the focus of funding and positions previously provided for teacher recruitment and retention to support all critical shortage areas.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001946

Rethinking Support for School Quality in Virginia

VDOE's Office of School Quality has more schools per staff in need of improvement than comparable offices in neighboring states



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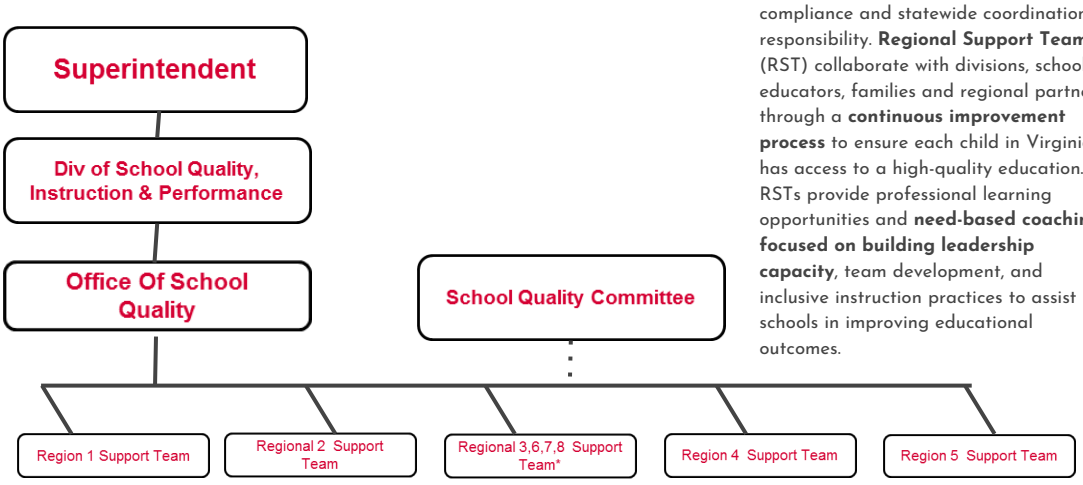
Proposed Organization Structure



Office of School Quality maintains compliance and statewide coordination responsibility. **Regional Support Teams** (RST) collaborate with divisions, schools, educators, families and regional partners through a **continuous improvement process** to ensure each child in Virginia has access to a high-quality education. RSTs provide professional learning opportunities and **need-based coaching focused on building leadership capacity**, team development, and inclusive instruction practices to assist schools in improving educational outcomes.

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VA-DOE-22-0316-B-001948

Role of Regional Support Teams

Desired Outcomes:

-Increase use of data informed decisions

-Address complex factors to advance division efforts to provide quality leadership

-Willing partnership at state-division-school

-Coordinated continuous improvement efforts

Each team member will coordinate differentiated high-quality support to designated divisions within regions to include more intensive support to divisions with a memorandum of understanding, and Federally Identified Schools with Level II and Level III indicators.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001949

Agency Support - Associated with Recently Adopted Legislation

	FY23	FY24	Context
Continued support for Growth Assessments		$5,000,000	Provides ongoing state support to administer the through–year growth assessments for grades three through eight required by Chapter 443 and Chapter 444, 2021 Acts of Assembly, Special Session I. Federal relief funds support this cost in fiscal year 2023.
Marijuana Education	$310,000		Supports the development and provision of educational and professional development resources regarding marijuana use, pursuant to the provisions of Chapter 550, 2021 Acts of Assembly, Special Session I.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001950

Other Introduced Central Office Items

	FY23	FY24	Context
Continued support for Statewide Learning Management System		$5,138,000 (1 position)	State support for statewide learning management system; will be covered with federal funds in FY23.
NGF Support for Virtual Virginia	$26,088,705	$32,610,882	Increases the nongeneral fund appropriation supporting Virtual Virginia to align the appropriation with expected revenues and expenditures for fee–based programs.
Working Conditions and Climate Survey	$235,742 (2 positions)	$235,742 (2 positions)	Provides 2 positions to ensure sufficient staffing for the statutorily required working conditions and climate survey.
Eastern Shore STEM Governor's School	$500,000		VDOE to study options for establishing a Science, Technology, Engineering, and Mathematics (STEM) Governor's School on the Eastern Shore.
Support for Social Emotional Learning Standards	$221,514 (1 position)	$221,514 (1 position)	Supports the creation of statewide training resources for local school divisions, as well as one position to lead social emotional learning efforts and to provide assistance to local school divisions.

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Early Childhood Budget Proposals

16

VIRGINIA DEPARTMENT OF EDUCATION | VIRGINIA IS FOR LEARNERS

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Overview

1. Key Insights
2. Overview of Investments
3. Item Detail
4. Questions

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VA-DOE-22-0316-B-001953

State of Early Childhood

Early childhood is open and serving children in-person yet challenges remain.

- As of Fall 2021, all schools and Head Start programs are now open for full-time in-person learning. More than 90% of child care programs have reopened.
- Early childhood enrollment has rebounded to or above pre-pandemic levels.
- More families are choosing public-private options such as Mixed Delivery and Child Care Subsidy.
- Young learners have experienced significant academic and social-emotional setbacks, especially in early literacy and math.
- Staffing challenges continue to limit the availability of child care and ability of educators to fully respond to children's greater needs.

As a reminder, here were numbers from prior presentations:

The COVID-19 pandemic has deeply impacted the enrollment of all early childhood care and education programs. Enrollment drops led to challenges for families and will likely impact school readiness in future years.

- **Head Start -** Enrollment was down 30% for the 2020-2021 school year.
- **Virginia Preschool Initiative -** Enrollment numbers were down 6% (1,041 slots), despite extending the enrollment period to January 2021. Overall preschool enrollment decreased by 18.58%.
- **Child Care Subsidy -** Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19.

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2021-2022 Enrollment

Early childhood enrollment has rebounded in the Virginia Preschool Initiative and Child Care Subsidy Program; current participation is at or above pre-pandemic levels.

Virginia Preschool Initiative - Enrollment numbers have rebounded to pre-pandemic levels, with over 18,000 four-year-olds and 1,200 3 year olds participating in 2021-2022.

Child Care Subsidy - Participation in child care subsidy dropped to a low of ~14,500 children in January 2021, a drop of 43% from before COVID-19. In January of 2022, subsidy enrollment exceeds 28,000 children, well over pre-pandemic levels.

VECF Mixed Delivery - Through expansion and new investments, the program has expanded to serve over 1,200 3 and 4 year olds in 2021-2022, compared to 250 last year.

Head Start - 14,000 Head Start slots are available in Virginia in 2021-2022.

The initial FY21 ADM projection for the Chapter 1289 budget adopted at the 2020 GA session was created in Nov. 2019 prior to the onset of the pandemic and used normal division enrollment patterns for the division projections. With the first data point indicating impact of the pandemic on enrollment being available, which was Sept. 30th, 2020 Fall Membership, the next project occurred in Nov. 2020 and was used for the Chapter 552 budget adopted at the GA Special Session in March. This reprojection brought down the FY21 ADM projection by 44,000 students, consistent with Sept. 30 Fall Membership reported by divisions early in the 20-21 school year under pandemic conditions. Finally, actual/certified actual March 31 ADM came in at 1,210,463, about 2,600 students lower than DOE's final projection last fall. I think this data was requested to show the significant drop off in enrollment which drives ADM and state funding and probably the need for the No Loss funding that helped backfill this significant enrollment loss due to the pandemic.

The Home School/Religious Exempt did increase significantly this year which accounts for some of the 40K+ drop in enrollment this year:
18-19 - 43,505
19-20 - 44,226
20-21 - 65,571

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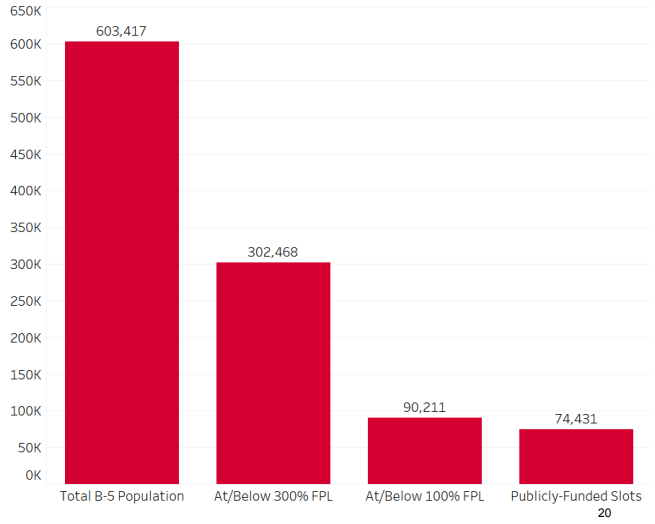
Potential Demand Exceeds Slots



- About **15%** of children, from birth to age 5, are living at or below 100% FPL.
- Roughly **50%** of the early childhood population in Virginia live at or below 300% FPL, or $79,500 for a family of 4.
- Only **12.3%** of the Commonwealth's early childhood population can be served by the current number of publicly-funded slots through VPI, CCSP, Mixed Delivery, and EHS/HS.

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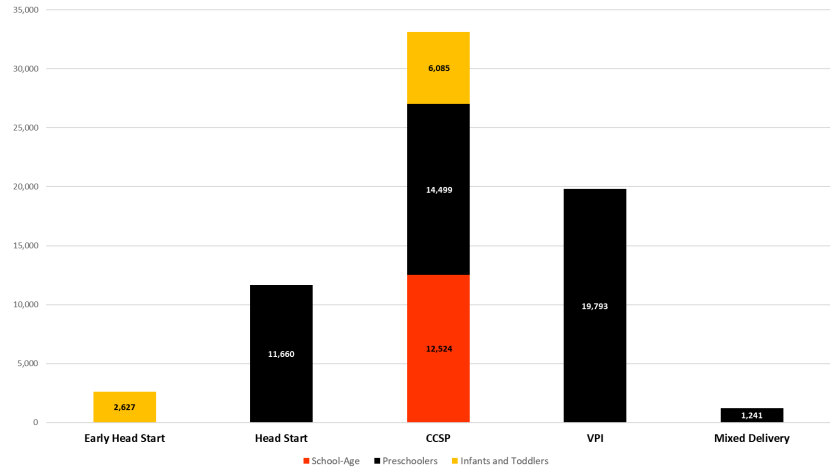
Most Public Funds Support Preschool



Who do publicly-funded early childhood slots support?

- **13%** support infants and toddlers
- **69%** support preschoolers
- **18%** support school-age children

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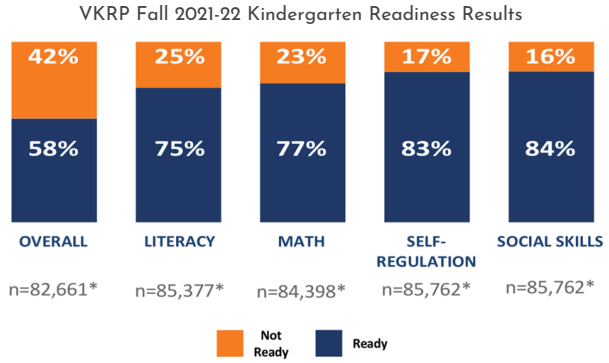
School Readiness in 2020-21

Fall 2021 VKRP data show the impact of COVID 19 on Virginia's youngest learners. More than 21,000 Virginia kindergarteners are at serious risk of reading failure, in the absence of intervention.



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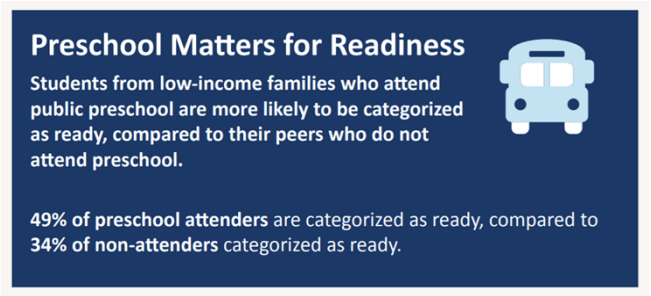
Disparities in Readiness

Greater percentages of historically underrepresented children began the school year below the overall readiness benchmark including:

52% of Black students, and 60% of Hispanic students
56% of students from low-income backgrounds
67% of English language/Multilingual learners
64% of students identified as having a disability



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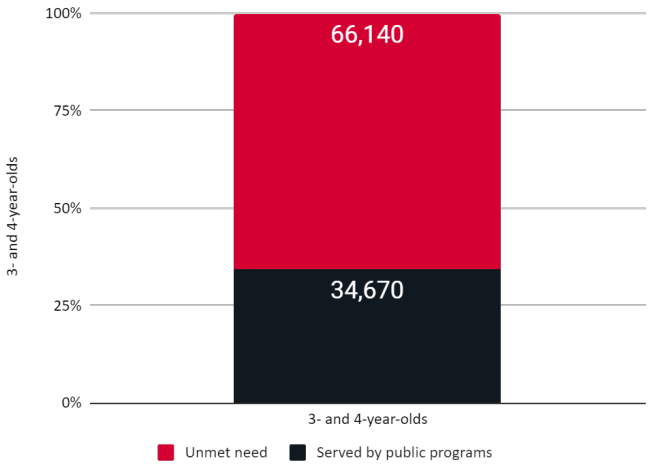
Unmet Need in Preschool



- Approximately 1 in 3 preschoolers in Virginia lacks access to publicly-funded early childhood education.
- Most are 3 year olds.

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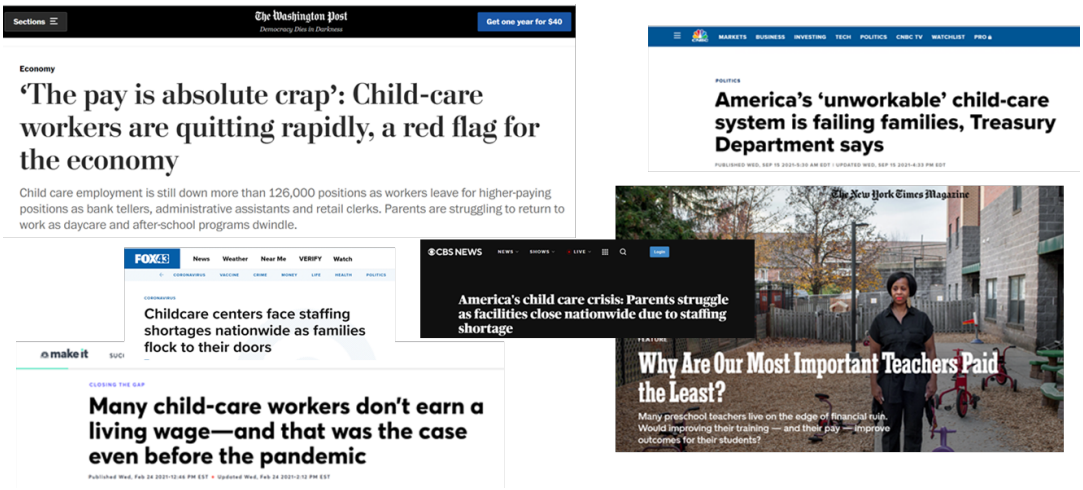
Child Care Workforce Crisis



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Voices from the Field

Virginia recently conducted a statewide survey of child care providers. Initial results show how challenging it is to attract, hire and retain staff:

- Two out of three (66%) of directors reported staffing was either moderately or very hard.
- Of those directors who said they had a staff opening or had made a hire since July, we asked how hard hiring had been. The vast majority (83%) said it was either moderately or very hard.
- These staffing challenges had real implications:
  - 74% said they asked current staff to work more hours or take on additional duties
  - Over half (52%) said staffing challenges made them serve fewer children or turn families away
  - Over a third (36%) reduced the number of classrooms at their sites
  - 56% said they hired an applicant that was less experienced/or qualified than preferred

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VA-DOE-22-0316-B-001962

Transition Update

In 2020 Virginia established a statewide, unified public-private early childhood care and education system to be implemented by the VDOE. This creates a single point of accountability for school readiness.

As of July 1, 2021, VDOE is responsible for:

- Overseeing all aspects of the child care and early education system,
- Implementing the new measurement and improvement system, called VQB5, for all publicly-funded birth-five classrooms which supports families to choose quality across different settings
- Supporting the new Early Childhood Advisory Committee (ECAC) to the Board of Education

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Proposed Early Childhood Investments in SB 30

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VA-DOE-22-0316-B-001964

Overview

The early childhood investments seek to:

1. Complete unification of early childhood system at state and regional level;
2. Support more choices for young learners via the Child Care Subsidy Program (CCSP), Virginia Preschool Initiative (VPI) and Mixed Delivery;
3. Enable a data-driven recovery from COVID-19 impact; and
4. Lay the groundwork for future expansion of public-private preschool in Virginia with marijuana funding.

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VA-DOE-22-0316-B-001965

Overview of Investments

The early childhood investments seek to:

1. Complete unification of early childhood system at state and regional level;
2. Support more choices for young learners via the Child Care Subsidy Program (CCSP), Virginia Preschool Initiative (VPI) and Mixed Delivery;
3. Enable a data-driven recovery from COVID-19 impact; and
4. Lay the groundwork for future expansion of public-private preschool in Virginia with marijuana funding.

AMERICAN OVERSIGHT

VA-DOE-22-0316-B-001966

Item 129 - SGF Impact

In response to 2017 JLARC Study and pursuant to 22.1-289.05, the VDOE continues to build out a statewide uniform measurement and improvement system for all publicly-funded birth-to-five programs that promotes school readiness.

	FY22	FY23	FY24	Rationale for Increase
Central Office	NA	280,000	280,000	Provides two DOE positions to support state-funded pre-kindergarten programs
H. Virginia Kindergarten Readiness Program (VKRP)	1,750,000	2,777,000	2,777,000	Expansion of preschool VKRP to more 4 year olds and to pilot three year version; increase in administration costs
J. External Classroom Observations (CLASS)	350,000	805,600	1,047,000	Statewide expansion of accountability system; SGF is for state-funded classrooms; NGF is for federally-funded classrooms

NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

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Item 129 - Language Changes (No SGF Impact)

New budget language calls for specific actions from the VDOE to ensure maximum choice for families across the public-private early childhood system:

- Convene a workgroup to develop recommendation for the use of marijuana tax revenues to maximize access to public and private pre-kindergarten programs for three and four year and children (N)
- Develop a methodology to estimate the actual cost of providing high quality care and education services in community-based settings (O)
- Remove the existing 72 month limit on the duration of time that families may participate on the Child Care Subsidy Program (P)
- Offer more choice to families in FY23 and FY24 by strengthening the Child Care Subsidy Program, including encouraging parents to pursue work, paying based on enrollment, setting rates based on cost benchmarks and eliminating or reducing copayments for private child care options that aligns with public options (Q)

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Item 136 - SGF Impact

Item includes investments to expand public-private partnerships and innovative initiatives that have demonstrated impact.

	FY22	FY23	FY24	Rationale for Increase
O. Wolftrap for STEM and Early Literacy	725,000	1,000,000	1,300,000	Expand services into currently unserved divisions in an equitable manner, with a special focus on capacity building and establishing new services in specific regions
S. Expand Virginia Early Childhood Foundation Mixed Delivery (S)	5,000,000	6,971,900	9,736,015	Offer high quality preschool to more at-risk 4 and 4 year olds in private settings; pilot for 200 infants and toddlers; new language aligns eligibility with VPI to ensure maximum choice for families
CC. Early Childhood Educator Incentive	5,000,000	10,000,000	10,000,000	Expand program that seeks to strengthen quality, attract new educators and reduce turnover in child care and family day home classrooms in support of VQB5
NN. Grow-Your- Own Early Childhood Educator Program	N/A	1,050,000	1,050,000	Provide grants to school divisions-higher education partnerships to build pathways to teacher licensure for early childhood educators

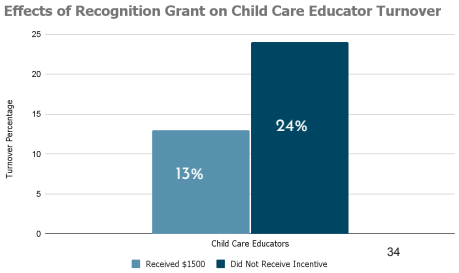
NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

Addressing the EC Educator Shortage

Since 2019, Virginia has been piloting an innovative early childhood educator incentive to reduce turnover and strengthen quality.

- Rigorous research shows that Virginia's $1,500 incentive reduced turnover by half in among child care and family day home educators.
- Virginia increased funding to $2,000 per educator per year in response to COVID 19 and plans to support at least 6,000 educators this year.
- Increased funding in FY23 and FY24 would enable Virginia to address the staffing crisis and to serve all child care and family day home educators as VQB5 is implemented statewide.



Virginia's innovative program has been featured in a US Treasury Report and in national news

AMERICAN OVERSIGHT

Item 137 - SGF Impact

Increasing the VPI per-pupil funding and the number of slots enables school divisions and community partners to prepare more children for kindergarten.

	FY22	FY23	FY24	Rationale for Increase
14. Virginia Preschool Initiative - Per-Pupil Amount	81,03,402	117,240,609	117,531,866	Increase per-pupil amount to $8,359 from $7,655 based on benchmarked costs
Early Childhood Expansion	21,778,364	34,368,036	45,116,920	Details provided below
Serve at risk 3 year olds	*5,487,917*	*12,729,291*	*20,029,791*	*Provide a two year experience for at-risk children to better prepare them for school*
Serve children on wait lists	*966,504*	*3,587,390*	*3,587,390*	*Enable communities to serve more children if need is identified*
Community provider add-ons	*2,501,500*	*4,886,000*	*8,334,384*	*Support school divisions to partner with community-based providers to increase family choice and address physical space limitations*
Increase ratios provided	*6,693,927*	*7,711,560*	*7,711,560*	*Allow more children to be served with existing staff to maximize resources*
Flexible funding	*6,128,516*	*5,453,795*	*5,453,795*	*Enable VDOE to respond to needs in the field*

NOTE: AMOUNTS REPRESENT TOTAL SGF FUNDING (NOT INCREASES FROM PRIOR YEAR)

AMERICAN OVERSIGHT

Item 137 - Language Changes

New budget language seeks to ensure VPI promotes greater school readiness:

- Consider eligible at-risk five-year-olds who are not eligible to attend kindergarten, or who did not have access to a sufficient preschool experience and whose families request preschool as the most appropriate placement (14.a.1)
- Require VDOE to biennially rebenchmark the VPI per pupil amounts using a formula similar to the current formula supporting public K-12 education in Virginia (14.a.4)
- Expand eligibility criteria to include children with disabilities or delays who are eligible for special education services under the Individuals with Disabilities Education Act, regardless of household income (14.d)
- Require VDOE to estimate the actual cost of providing high-quality early childhood education services in community-based setting and provide recommendations for the amount of the community-provider add-on grants in the second year (14.g.2)

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Child Care Relief Funding Update

Virginia has used relief funding to provide direct cash assistance, fund emergency child care, restore the Child Care Subsidy Program (CCSP) and address immediate needs. Nearly all unexpended funds have been appropriated to support direct cash assistance or CCSP.

Funding Source	Child Care Total	Spending Deadlines	Funds Remaining as of 12/30/21
Coronavirus Aid, Relief, and Economic Security (CARES) Act via CCDBG	$70,799,409	Obligate: 9/30/22 Liquidate: 9/30/23	$6,456,314 (9%)
Coronavirus Relief Fund (CRF)	$74,941,000	Liquidate: 12/31/21	$0 (0%)
Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act via CCDBG	$203,692,270	Obligate: 9/30/22 Liquidate: 9/30/23	$100,787,6211 (49%)
American Rescue Plan Act via CCDBG (Child Care Stabilization Fund)	$488,605,381	Obligate: 9/30/22 Liquidate: 9/30/23	$243,164,494.95 (50%)
American Rescue Plan Act via CCDBG (Discretionary)	$305,492,999	Obligate: 9/30/23 Liquidate: 9/30/24	All funds

Across multiple grant sources, Virginia will provide more than $600 million in direct cash assistance to more than 4,000 child care and family day home providers.[37]

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Questions & Discussion

Jillian Balow
Superintendent of Public Instruction
Jillian.Balow@doe.virginia.gov

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VA-DOE-22-0316-B-001974

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/8/2022 7:44:08 AM
To: "Ben Kiser" <b.kiser@vassonline.org>
Cc: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Bean, Jennifer" <jennifer.bean@governor.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Subject: Re: VASS Board Meeting-Tuesday, March 8

Attachments: image003.jpg

Morning, Executive Director Kiser,
We look forward to today's meeting. Prior to asking and responding to these questions, could we acknowledge those who are in the meeting by way of introductions and then remarks from Secretary Guidera, you, anyone else from your leadership team, and myself?

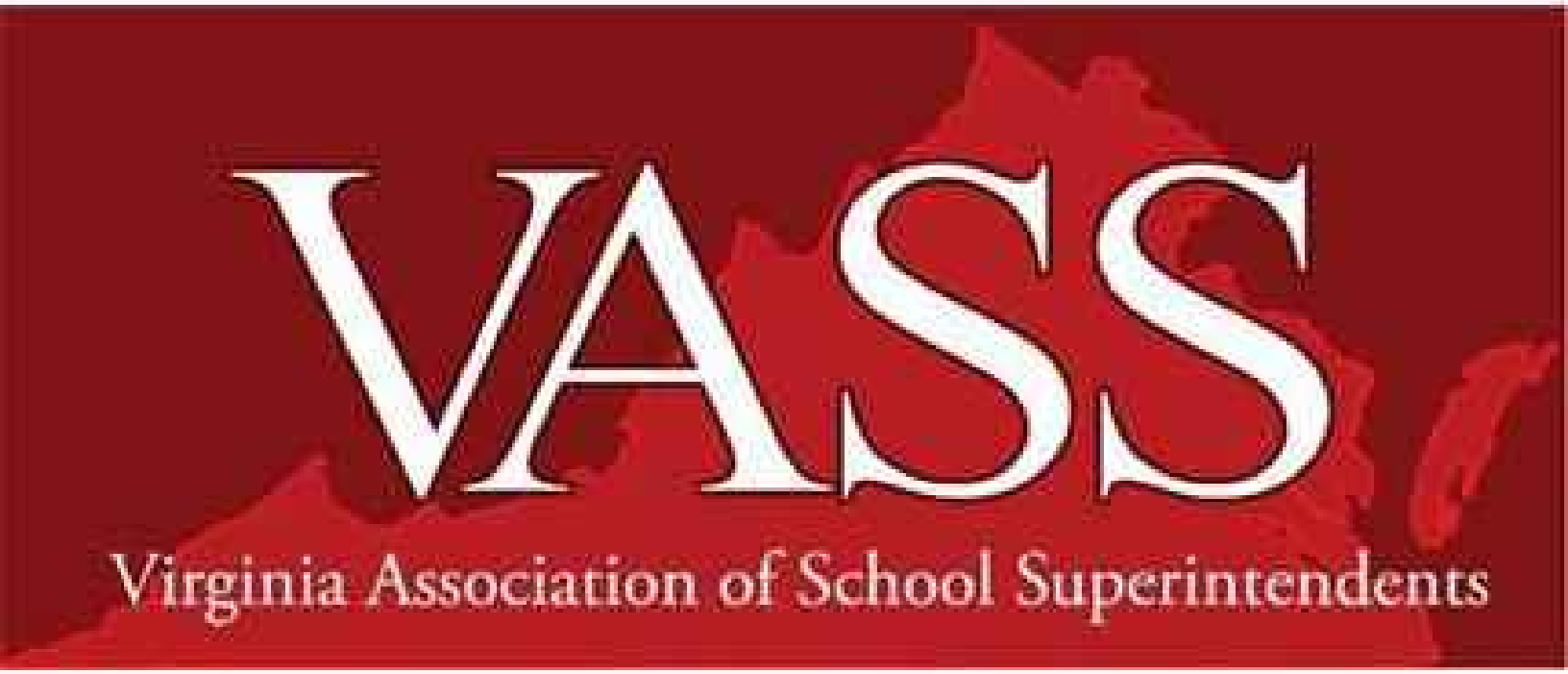
Thank you for attaching the Blueprint document - I look forward to reviewing it.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Mon, Mar 7, 2022 at 6:20 PM Ben Kiser <b.kiser@vassonline.org> wrote:

> Secretary Guidera
>
> Superintendent Balow
>
> Thank you again for meeting with the VASS Board tomorrow, Tuesday, March 8, from noon to 1:00 p.m. VASS President, Dr. Zeb Talley, Jr., Superintendent in Martinsville City Schools, will open the meeting and welcome you and the others. Dr. Talley will then ask Superintendent Balow the two questions below regarding the 30-day report pertaining to Governor Youngkin's Executive Order #1:
>
> 1. To our knowledge, division superintendents were not consulted in reviewing content or in the development of the 30-day report to the Governor. In fact, division superintendents received the report by way of the press. How will you involve division superintendents in other aspects of educational services for children moving forward?
> 2. Division superintendents have worked with the Virginia Department of Education, the Secretary's office and their own school communities for several years in ensuring equitable services and support for all children, no matter where they live. How does transitioning from equity to opportunity ensure that all children will receive the services and support they need, regardless of where they live?
>
> Following the responses to the questions above, VASS board members will share their perspectives and questions as well for both of you to respond. We hope tomorrow will be the first of many conversations with superintendents as we all strive daily to best serve children.
>
> I am also attaching the latest VASS Blueprint for Achieving Equity in Virginia's Public Schools. Again, we look forward to tomorrow.
>
> Howard B. Kiser (Ben), Ed.D.
>
> Executive Director, VASS
>
> P.O. Box 68
>
> Batesville, Virginia 22924
>
> b.kiser@vassonline.org
>
> Office: 804-562-4430
>
> Cell: 804-815-7661

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:13:09 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Coy, Holly** <holly.coy@doe.virginia.gov>
Date: Fri, Jan 21, 2022 at 9:36 AM
Subject: Fwd: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!
To: Jillian Balow <jillian.balow@doe.virginia.gov>
Cc: Ken Blackstone <ken.blackstone@doe.virginia.gov>, rr Constituent Services <constituentservices@doe.virginia.gov>

Good morning Jillian,

I just wanted to let you know that Ken's team includes staff that coordinates constituent responses on the Agency's behalf. As you get emails from constituents that you want staff to respond to, you can always email them to the general constituent services inbox I've copied here.

Ken and I work with staff on any responses on hot topics to ensure consistent messaging. Happy to dive into more detail with you and/or the team as you are interested and as your schedule permits.

Thanks,
Holly

---------- Forwarded message ---------
From: **Ken Blackstone** <ken.blackstone@doe.virginia.gov>
Date: Fri, Jan 21, 2022 at 9:23 AM
Subject: Fwd: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!
To: Coy, Holly <holly.coy@doe.virginia.gov>

Forwarding FYI as you weren't copied by the sender.

Thanks,

Ken

---------- Forwarded message ---------
From: **Beth-Ann Permuy** <bpermuy1@gmail.com>
Date: Fri, Jan 21, 2022 at 9:20 AM
Subject: Re: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!
To: <jillian.balow@doe.virginia.gov>, <emily.webb@doe.virginia.gov>, <jim.chapman@doe.virginia.gov>, <ken.blackstone@doe.virginia.gov>, <heidi.wilson@doe.virginia.gov>, <leslie.sale@doe.virginia.gov>, <rebecca.westfall@doe.virginia.gov>

Good morning. As you already may know th[FERPA 20 U.S.C. §1232(g)] voted yesterday to keep the mask mandate in place until they receive further guidance from your office as promised by the Governor's Office. Although I believe the vote was just another way for them to stall, I beg of you to please provide those guidelines to them ASAP so that we may move forward in unmasking our children. I also ask that you review and consider removing the quarantine protocol for children and staff exposed in the classroom if they show no symptoms. I do believe families should be notified so that they may be vigilant in looking for symptoms if need be. Although [Health Insurance Portability and Accountability Act (HIPAA) 42 U.S.C. §] I see little benefit to quarantining a close contact unvaccinated child with no symptoms. It is unnecessarily depriving them of crucial time from school and parents from work. Vaccinated children in close contact no longer have to quarantine but that doesn't mean they haven't already contracted the virus and are just asymptomatic or perhaps they haven't. The same should hold true for an unvaccinated child, unless their parent chooses to quarantine them. If an unvaccinated, vaccinated child or staff member are considered in close contact I ask that you consider allowing them to remain among the student population unless they show symptoms. My [FERPA 20 U.S.C. §1232(g)] I think you can see how irrational and unreasonable the quarantine protocol can seem after something like this. If children are allowed to do that after possible exposure, then what is the difference if they remain among the student population there after if they have no symptoms? I had sent the attached emails to you prior to the [FERPA 20 U.S.C. §1232(g)] decision yesterday. I beg of you to please take action immediately if possible as to avoid placing our young children in awkward positions come Monday when we exercise our rights as parents and send them to school without their masks. Thank you for your time and consideration in these matters.

On Tue, Jan 18, 2022, 2:06 PM Beth-Ann Permuy <bpermuy1@gmail.com> wrote:
> Good afternoon. I am forwarding an email I sent to the [FERPA 20 U.S.C. §1232(g)] with the hopes of reaching as many ears as possible to help support the protection of our rights as parents. These are very trying times especially for our children and parents need to have the rights and the capabilities to make our own decisions on how to protect them physically, emotionally and mentally. It is us they will look back at and blame for choices we made or things we allowed that didn't protect their well being. It is us they will blame for any possible long term residual physical, social or mental side effects this may cause. It is our future relationship with our children that is at risk because of decisions we allowed certain entities to take away from us. A child looks to their parents for safety and security and to do what's best for them. If the schools and other entities don't allow us to do that then perhaps they will eventually feel we have failed them. Don't allow our children to feel as though we as their parent have failed them. Please allow us to do our jobs and let the educators do theirs. They are two very different things, they are not at all the same and should not be treated as such. I read something very interesting today that made a lot of sense..."the quicker I give up my rights, the quicker I will get them back
> ...said the person who never read a history book in their entire life.". I think as educators of our children it is a very important theory to acknowledge in the school system. Thank you for your time.
> ---------- Forwarded message ---------
> From: **Beth-Ann Permuy** <bpermuy1@gmail.com>
> Date: Tue, Jan 18, 2022, 10:59 AM
> Subject: Until You Financially Support My Children You Don't Have the Right to Make Decision For Them!
> To: <ac_coker@ccpsnet.net>, <dl_heffron@ccpsnet.net>, <dg_bailey@ccpsnet.net>, <rm_harter@ccpsnet.net>, <ks_haines@ccpsnet.net>, <Merv_Daugherty@ccpsnet.net>, <Joseph_Tylus@ccpsnet.net>, <wendell_roberts@ccpsnet.net>, <elke_gibbs@ccpsnet.net>

OVERSIGHT

I am writing to you as a parent of [redacted] regarding the controversial lifting of the mask mandate. I am among many who complied with our previous governor's executive order regarding the mask mandate, although I strongly disagreed with it being in the best interest of my children. I put them through what I feel is borderline abuse and hated myself every day I sent them off to school in masks that made them anxious, depressed and restricted their freedom to breath fresh air, speak without restrictions and share any smile or laughter with others. I made them suffer through the [redacted]. I realized that what I was considering was insanity and made me an even worse mother for considering doing that just so my children could continue to comply with your mask mandates. Do any of you have any idea what that feels like...to have your heart break daily as you watched your children leave for school each morning miserable. My children once loved going to school because they looked forward to learning new things and socializing with their friends and being in a happy environment, but you and our previous governor's mask mandates ripped that joy away from them. These restrictions have managed to destroy their excitement for education. In a sense it has taken away two years of their childhood, a childhood that was supposed to be full of smiles, laughter and excitement for learning new things. What is worse is me as a parent helped you do that to my children by forcing them to wear masks to comply with your rules and our previous governor's mask mandates. I have to live with that forever. This world is hard enough for our children and you are making it even harder, almost impossible to just be a child. A parent can't get these years back nor can we give these years back to them when everyone decides we can go back to normal. I did what I had to do to comply with all of you and our governing body and waited patiently for election day with the hopes we would vote in a governor who would have a better sense of how important it is to do what we feel is in the best interest of our own children and their overall well being. I put my children through hell and went against everything I believed in as their parent and waited to vote a governor in that has a better understanding of how a child needs to be a child and the trust a child places in their parent to protect them and their overall well being. I didn't do that this past year and a half and I am sure their are many others just like me who will live with that regret forever but no more! I will not allow you to take away my right to protect my child how I see fit. I will not allow you to take away their joy and their spirit any longer and I won't allow you to place a useless mask over what used to be happy faces and [redacted]. Have any of you worn a mask 8 hours a day five days straight for a year and a half and tried to concentrate and remain joyful while doing so. You HAVE NOT! We did our part and followed the rules with the previous governor, now it's time we listen to one that wants to protect our rights as parents. How can anyone justify that one governor's executive order must be followed but another does not? Don't make this a political agenda. This isn't about you. You don't know what's best for my children You only know what's best for your own! Below is my response to the whining parents back lash about Youngkin's lift on mask mandates. I hope I have gotten through to some of you by the end of this.

A mother has a legal right to terminate a pregnancy in VA up to 25 weeks with no questions asked, a parent has a right to choose whether or not to vaccinate their child no questions asked, but a parent does not have the right to choose if their child wears a mask in school? Are you kidding me? A vaccine is available, if you don't want to get it that is your personal choice. Its also your personal responsibility to protect yourself and your child, so YOU mask up. Stop being hypocritical. The second these children are out of school their masks come off vaccinated or not and it's fair game. That is where their true exposure to COVID-19 lies. If it's actually being transmitted in schools that further supports that the masks are worthless. I respect what the teachers do and it should not be their job to police what students are supposed to be and what students don't have to wear masks. That is a conversation a parent needs to have with their own child and trust their child enough to abide by their parental rules. A teacher doesn't have to follow a child with nut allergies around to make sure they don't ingest anything harmful do they? So they shouldn't have to police mask wearing. Yes some teachers and students have extenuating health circumstances that pose a higher risk if infected, but again that is something you can take personal parental responsibility for to help protect your own child such as getting a vaccine and/or wearing their own mask. These same high risk children and teachers didn't push to have my children wear masks preCOViD during flu season or cold season did they? It is a parents job to do what is best to protect their own child. Excuse my bluntness, but it's not the schools job, my child's job, nor mine. If I can't force you to put a needle in your childs arm to vaccinate them then you shouldn't be able to force me to put a mask over my child's face, it's borderline abusive. [redacted] My child shouldn't have to suffer all day to protect your child, they never had to before and shouldn't now. I don't mean to sound heartless because I certainly feel for those families who have to have that extra worry about their child's health or lack of. I don't envy them at all but COVID is here to stay just like the flu so we must learn how to live with the choices we have to protect our OWN families. The governor's mandate mattered when it suited the unvaccinated but now it doesn't matter when it leaves the responsibility in the hands of each parent? We abided by the rules when the mask mandate was in affect so stop being hypocrits when it doesn't work in your favor..or better yet..GO GET YOUR CHILD AND YOURSELVES VACCINATED! When does it end? When will it be safe enough for the unvaccinated to be satisfied? You will never make everyone happy. Everyone talks about protecting the greater good and most vulnerable..then be responsible and get vaccinated and protect the most vulnerable. Mask wearing is denying children of building up their immune systems. Enough is enough. Stop being irrational, unreasonable and selfish, this isn't just about your child...you have options as a parent, so use them! Don't take away my options for my child. Last I checked the CDC didn't run this country nor did they raise my child. They give guidelines and recommendations, they don't make laws and determine parental rights. If they said they recommend you put your child in the water if they didn't know how to swim and they will be fine, would you do that too or would you make an educated decision as a parent for your own child based on what you know is best for them? Take the politics out of it, stop whining and stop expecting the Government, Health Departments and Schools to make your job as a parent easier. Protect your own child and I will protect mine, that's what parents do!

--
Holly Coy
Assistant Superintendent of Policy and Communications
Virginia Department of Education
703.727.2240 (c) holly.coy@doe.virginia.gov

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/24/2022 4:12:18 PM
To: "rr Superintendent" <superintendent@doe.virginia.gov>
Cc:
Subject: Fwd: Guidance for Chesterfield County Public Schools Request

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JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------
From: **Billy Morrison** <morrbilly4@yahoo.com>
Date: Fri, Jan 21, 2022 at 1:49 PM
Subject: Guidance for Chesterfield County Public Schools Request
To: jillian.balow@doe.virginia.gov <jillian.balow@doe.virginia.gov>

Ms. Balow,

I'm a parent of FERPA 20 U.S.C. §1232(g) . I'm disappointed in the School Board's decision 1/20/22 to keep the mask mandate in place for now and essentially disavow Governor Youngkin's Executive Order Number Two.

It's my understanding that the majority of the board wants to wait for the VDOE to offer guidance on how to handle mask-optional issues such as contact tracing and quarantining for students and staff. I'm hoping that the guidance they are requesting will be provided in a prompt matter so that the Board can reconvene, evaluate the guidance, and hopefully vote to adhere to the Executive Order.

Thanks for your time.

Billy Morrison

AMERICAN OVERSIGHT

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/3/2022 9:47:51 AM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: APPROVAL NEEDED ASAP: Please review Superintendent's Weekly Cabinet Report

Attachments: Super Intendent Cabinet Weekly Reports 3-4-22.docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

See attached. Thanks.

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/11/2022 1:26:55 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL GOVERNOR'S WORKING PAPERS: edits to cover

Attachments: DRAFT WORKING PAPER Executive Order 1 - V6 (2).docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/15/2022 3:38:49 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL: GOVERNOR'S WORKING DOCS

Attachments: Redacted per Va. Code § 2.2-3705.7(2) .docx , Redacted per Va. Code § 2.2-3705.7(2) .docx

Attachments withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

John,
Please format the attached documents for my signature and release to the Governor's Office. Thank you.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/11/2022 5:58:31 PM
To: "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL: GOVERNOR'S WORKING DOCUMENT
Attachments: DRAFT WORKING PAPER Executive Order 1 - V6 (2).docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

Elizabeth,
Attached, first set of edits.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 2/21/2022 9:47:05 PM
To: "Richard Shanor" <dicky.shanor@doe.virginia.gov>
Cc:
Subject: CONFIDENTIAL: GOVERNOR'S WORKING PAPERS
Attachments: CONFIDENTIAL GOV DRAFT EOA APP 021522 (2).docx

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

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JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/26/2022 1:50:47 PM
To: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Cc:
Subject: Fwd: Please Read: [redacted]

Attachments: [redacted].pdf

Attachment withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

NOT FOR SHARING

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/20/2022 6:46:29 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc:
Subject: Fwd: Supts Emails for Tomorrow

---------- Forwarded message ---------
From: **Balow, Jillian** <jillian.balow@doe.virginia.gov>
Date: Tue, Jan 18, 2022 at 5:24 PM
Subject: Re: Supts Emails for Tomorrow
To: Hendron, John <john.hendron@doe.virginia.gov>
Cc: Dicky Shanor <dicky.shanor@doe.virginia.gov>, Laura Jennings <laura.jennings@doe.virginia.gov>

John,

Redacted per Va. Code § 2.2-3705.7(2) Thank you.

Jillian Balow

On Tue, Jan 18, 2022 at 4:00 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

Hi Dicky,

Thought I'd put these in front of you - they need to be approved to go out tomorrow. We have an electronic approval system that will send emails to Jillian - let me know how you all would like to handle these.

We have supts emails that go out on Mondays and Wednesdays - these are sent to division supts and typically advertise professional learning or are announcement-based. Fridays are the day for Supts Memos - which are posted publicly on the website in addition to being mailed out via GovDelivery.

I am pulling these links - they're all Google Docs until we publish them.

1/19/2022	8043712476	https://docs.google.com/document/d/1TmTq2f1SC4dH8dqQdl9Gsp-ysYEsNHZrY0NfZeW7-ihU/edit#heading=h.hxtiy3347m51	Requests from Division Superintendents to Modify the Licensure Regulations for School Personnel for School Counselors

Redacted per Va. Code § 2.2-3705.7(2)

1/19/2022	8047868079	https://docs.google.com/document/d/1SjYYsSFDXJgEX19EaQ0PyRqEzZ8IUVo/edit	The Virginia Council of Administrators of Special Education (VCASE) Awards of Excellence for Special Education Administrators
1/19/2022	804-300-7172	https://docs.google.com/document/d/1xDMZUrBq_gAN3wMA26NlkzKaZnlP_WEX9Nm1g51T5tg/edit#	CERTAIN: Addressing Challenging Behaviors Academy for First- and Second-Year Assistant Principals

While I am in the approval queue for these, Laura does the heavy lifting of getting these out the door.

JGH

--

JOHN G. HENDRON, ED.D.
Project Manager of Professional Learning & Organizational Development
OFFICE OF HUMANITIES | DEPARTMENT OF LEARNING & INNOVATION
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.929.8617 | John.Hendron@doe.virginia.gov

AMERICAN OVERSIGHT

From: Shanor, Dicky <dicky.shanor@doe.virginia.gov>
Sent: 1/20/2022 12:03:51 AM
To: "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: Redacted per Va. Code § 2.2-3705.7(2)
Attachments: Redacted per Va. Code § 2.2-3705.7(2)

2 Attachments withheld pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Governor

Notes for tomorrow at 3 p.m.

---------- Forwarded message ---------

Redacted per Va. Code § 2.2-3705.7(2)

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/18/2022 6:24:08 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc: "Dicky Shanor" <dicky.shanor@doe.virginia.gov>, "Laura Jennings" <laura.jennings@doe.virginia.gov>
Subject: Re: Supts Emails for Tomorrow

John,

Redacted per Va. Code § 2.2-3705.7(2) Thank you.

Jillian Balow

On Tue, Jan 18, 2022 at 4:00 PM Hendron, John <john.hendron@doe.virginia.gov> wrote:

Hi Dicky,

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I am pulling these links - they're all Google Docs until we publish them.

1/19/2022	8043712476	https://docs.google.com/document/d/1TmTq2f1SC4dH8dgOd9Gsp-ysYEsNHZtY0Nf28W7-ihU/edit#heading=h.hvtiy3347m51	Requests from Division Superintendents to Modify the Licensure Regulations for School Personnel for School Counselors
Redacted per Va. Code § 2.2-3705.7(2)			
1/19/2022	8047868079	https://docs.google.com/document/d/1SjYYsSFDXlqEXl19EaQ0PyRqEzZ8lUVo/edit	The Virginia Council of Administrators of Special Education (VCASE) Awards of Excellence for Special Education Administrators
1/19/2022	804-300-7172	https://docs.google.com/document/d/1xDMZUrBq_gAN3wMA26NlkzKaZnlP_WEX9Nm1g51T5tg/edit#	CERTAIN: Addressing Challenging Behaviors Academy for First- and Second-Year Assistant Principals

While I am in the approval queue for these, Laura does the heavy lifting of getting these out the door.

JGH

--

JOHN G. HENDRON, ED.D.
Project Manager of Professional Learning & Organizational Development
OFFICE OF HUMANITIES | DEPARTMENT OF LEARNING & INNOVATION
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT ♥F EDUCATION
804.929.8617 | John.Hendron@doe.virginia.gov

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/26/2022 10:59:07 PM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc:
Subject: Re: Redacted per Va. Code § 2.2-3705.7(2)

Redacted per Va. Code § 2.2-3705.7(2)

JB

On Wed, Jan 26, 2022 at 9:56 PM Balow, Jillian <jillian.balow@doe.virginia.gov> wrote:

John,
Could you please print or make arrangements fro Laura or someone else to print first thing tomorrow AM? Thank you.
JB

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

---------- Forwarded message ---------

Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Gov.

AMERICAN OVERSIGHT

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 1/27/2022 10:16:41 AM
To: "Hendron, John" <john.hendron@doe.virginia.gov>
Cc:
Subject: Re: Redacted per Va. Code § 2.2-3705.7(2)

Thank you, John.
JB

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT of EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

On Thu, Jan 27, 2022 at 8:07 AM Hendron, John <john.hendron@doe.virginia.gov> wrote:
> We'll have them ready for you.
>
> On Wed, Jan 26, 2022 at 9:59 PM Balow, Jillian <jillian.balow@doe.virginia.gov> wrote:
> Redacted per Va. Code § 2.2-3705.7(2)
>
> JB
>
> On Wed, Jan 26, 2022 at 9:56 PM Balow, Jillian <jillian.balow@doe.virginia.gov> wrote:
> John,
> Could you please print or make arrangements fro Laura or someone else to print first thing tomorrow AM? Thank you.
> JB
>
> JILLIAN BALOW
> SUPERINTENDENT OF PUBLIC INSTRUCTION
> VIRGINIA DEPARTMENT of EDUCATION
> 804.225.2057 | jillian.balow@doe.virginia.gov
>
> ---------- Forwarded message ---------
Redacted pursuant to Va. Code § 2.2-3705.7(2) related to working papers and correspondence of the Off. of the Gov.

--
John G. Hendron, Ed.D.
Project Manager of Professional Learning & Organizational Development
Looking for a resource? It's probably here on our intranet.
@VDOE_News @VA_Supt #inclusion #excellence #service #optimism
iPhone: +1 804-929-8617

AMERICAN OVERSIGHT

From: Shanor, Richard <dicky.shanor@doe.virginia.gov>
Sent: 3/15/2022 12:55:03 PM
To: "Guidera, Aimee" <aimee.guidera@governor.virginia.gov>, "Balow, Jillian" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Attachments: Lettertofightforschools (1).docx

FYI

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Tue, Mar 15, 2022 at 12:14 PM
Subject: Re: Loudoun Letter
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>
Cc: Richard Shanor <dicky.shanor@doe.virginia.gov>

Here you go. Final Draft

On Tue, Mar 15, 2022 at 10:09 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ould you send me latest or do you want me to add the address? Are there any other changes?

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 12:20 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
PO Box 523452
Springfield, VA 22152

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 11:28 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
Perfect. Thank you

On Mon, Mar 14, 2022 at 11:24 AM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
I have - Jon, here are my edits...
https://docs.google.com/document/d/1RxqnMwTjDrA2tYHK_O4onA069UYWOl6W/edit
I am getting you a physical address for the letter.

Elizabeth L. Schultz
Assistant State Superintendent of Public Instruction
Virginia Department of Education
101 North 14th Street
Richmond, Virginia 23219
804-658-6043
elizabeth.schultz@doe.virginia.gov

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On Mon, Mar 14, 2022 at 10:29 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
Elizabeth,

Have you had a chance to work on this yet?

Thanks,
Dicky

On Tue, Mar 8, 2022 at 2:04 PM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Mon, Mar 7, 2022 at 1:03 PM
Subject: Loudoun Letter
To: Richard Shanor <dicky.shanor@doe.virginia.gov>

Dicky, please give this letter a once over before I button it up for Jillian.
Thanks

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

Thank you for the letter and the provided supporting documentation in regards to Loudoun County Public Schools Superintendent Scott Ziegler.

Please know the issues raised in the letter are being monitored very closely. As the Office of the Attorney General (OAG) is currently conducting an investigation of the school district, any decision or action with respect to the Loudoun County School District and Dr. Ziegler will be held until the completion of the OAG's work.

Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Russell, Jon <jon.russell@doe.virginia.gov>
Sent: 3/22/2022 7:53:46 PM
To: "Jillian Balow" <jillian.balow@doe.virginia.gov>
Cc:
Subject: Fwd: Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL

Attachments: Lettertofightforschools (1).pdf

---------- Forwarded message ---------
From: **Russell, Jon** <jon.russell@doe.virginia.gov>
Date: Tue, Mar 22, 2022 at 6:31 PM
Subject: Re: Draft Loudoun Letter for Review: ATTORNEY CLIENT PRIVILEGE - CONFIDENTIAL
To: Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov>

No problem. ????

On Tue, Mar 22, 2022 at 1:22 PM Schultz, Elizabeth <elizabeth.schultz@doe.virginia.gov> wrote:
> Would you please send me the final letter in pdf format?
>
> **Elizabeth L. Schultz**
> **Assistant State Superintendent of Public Instruction**
> Virginia Department of Education
> 101 North 14th Street
> Richmond, Virginia 23219
> 804-658-6043
> elizabeth.schultz@doe.virginia.gov
>
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>
> On Thu, Mar 17, 2022 at 10:17 AM Russell, Jon <jon.russell@doe.virginia.gov> wrote:
> > Letter has been sent out in the mail.
> >
> > On Thu, Mar 17, 2022 at 10:16 AM Shanor, Richard <dicky.shanor@doe.virginia.gov> wrote:
> > > looks good, I would get it out.

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

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Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

AMERICAN OVERSIGHT

Redacted pursuant to Va. Code § 2.2-3705.1(2) Attorney-Client Privilege

Elizabeth L. Schultz

Assistant State Superintendent of Public Instruction

Virginia Department of Education

101 North 14th Street
Richmond, Virginia 23219

804-658-6043

elizabeth.schultz@doe.virginia.gov

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AMERICAN OVERSIGHT

VIRGINIA DEPARTMENT OF EDUCATION
VIRGINIA IS FOR LEARNERS

Jillian Balow
Superintendent of Public Instruction

03/14/22

Ian Prior
Executive Director of Fight for Schools
PO Box 523452
Springfield, VA 22152

Re: Fight for Schools Request

Dear Fight for Schools:

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Thank you for the efforts to advocate on behalf of the parents and children both in Loudoun and throughout the Commonwealth.

Please feel free to reach out to me if my office can be of any assistance while we await the OAG's insights.

Sincerely,

Jillian Balow
Virginia Superintendent of Public Instruction

AMERICAN OVERSIGHT

PO Box 2120 Richmond, VA 23218 | 101 N. 14th Street Richmond, VA 23219 | 1-800-292-3820 | doe.virginia.gov

From: Balow, Jillian <jillian.balow@doe.virginia.gov>
Sent: 3/9/2022 6:52:21 PM
To: "Ben Kiser" <b.kiser@vassonline.org>, ztalley@martinsville.k12.va.us
Cc: "Aimee Guidera" <aimee.guidera@gov-elect.virginia.gov>, "Jon Russell" <jon.russell@doe.virginia.gov>, "Richard Shanor" <dicky.shanor@doe.virginia.gov>, "Samantha Hollins" <samantha.hollins@doe.virginia.gov>, "Michael Bolling" <michael.bolling@doe.virginia.gov>, "Loving-ryder, Shelley" <Shelley.Loving-Ryder@doe.virginia.gov>, "Kent Dickey" <Kent.Dickey@doe.virginia.gov>, "Dave Myers" <dave.myers@doe.virginia.gov>, "Joan Johnson" <joan.johnson@doe.virginia.gov>, "Atkins, Rosa" <rosa.atkins@doe.virginia.gov>, "Elizabeth Schultz" <elizabeth.schultz@doe.virginia.gov>
Subject: Thank you and follow-up

Superintendent Talley, Executive Director Kiser,
Thank you for the productive meeting yesterday. Secretary Guidera and I appreciated the opportunity to visit with superintendents. We were encouraged by the conversation and next steps. Continued dialogue and a shared understanding about our work going forward is essential. In follow-up, here are action items:

- My team and I will seek input from superintendents as we develop the 90-day report required in Governor Youngkin's Executive Order #1. The report, among other things, will address #12 in the executive order. Closing Virginia's achievement gap is a goal for all of us.
- Direct communication is important. I will send a weekly update with a preview of superintendent's memos, federal updates, and other information for superintendents.
- We will continue to prioritize meetings with region representatives. In the next week, we will send out a reminder of who your VDOE liaison is - please reach out to your liaison or me anytime.

I am confident our work together will continue to be productive and beneficial for all of Virginia's students.

JILLIAN BALOW
SUPERINTENDENT OF PUBLIC INSTRUCTION
VIRGINIA DEPARTMENT OF EDUCATION
804.225.2057 | jillian.balow@doe.virginia.gov

AMERICAN OVERSIGHT