

Updated Frequently Asked Questions (March 17, 2020)

The Virginia Department of Education (VDOE) continues to evaluate options to provide flexibility in meeting the requirements and mandates associated with testing and accountability, instructional days/hours, attendance and graduation. While current specific information can be found below, the VDOE will continue to update the field as additional flexibility is clarified and additional details are received from the U. S. Department of Education.

School Closures

1. **Should buildings remain open if schools are closed?** This is a local decision. See guidance below related to large gatherings.
2. **What is the guidance on reopening of school?** There is no guidance on reopening schools at this time. The Governor and our VDOE team will continue to monitor the situation and provide more guidance as it becomes available.
3. **What if the local government is requesting utilization of a school facility to expand access to child care?** The decision to activate school buildings is a local decision. However, the provision of child care services would have to be done in collaboration with or under the approval of the Department of Social Services. Facilities would still need to meet any relevant requirements on health, safety, staffing, etc. Localities will also need to consider some of the unique health needs and concerns, such as avoiding congregation, maintaining small groups, etc. Localities are encouraged to give special consideration to collaborative opportunities that enhance and prioritize child care options for health care/public health workers, first responders, and essential personnel in the public and private sector (e.g., sanitation, food, utilities, transportation, government services).
4. **What should school divisions consider for large scale events?** On March 15, 2020, Virginia Governor Ralph Northam banned all gatherings that include more than 100 people to contend with the threat of the coronavirus. The Centers for Disease Control (CDC) has recommended cancelling or postponing gatherings of more than 10 people for the next eight weeks. This guidance has not been extended to educational environments. The CDC [interim guidance](#) is intended for organizers and staff responsible for planning mass gatherings or large community events in the United States. A mass gathering is a planned or spontaneous event with a large number of people in attendance that could strain the planning and response resources of the community hosting the event, such as concerts, festivals, conferences, worship services, and sporting events. As the COVID-19 outbreak evolves, CDC strongly encourages event organizers and staff to prepare for the possibility of outbreak in their communities. Creating an emergency plan for mass gatherings and large community events can help to protect the health of your event

participants and community. Updated information can also be found on the Virginia Department of Health (VDH) [website](#).

5. **Does the Governor's order to close schools apply to public and private schools?** Yes. The Governor has ordered all K-12 schools, public and private, closed between March 16 and 27.
6. **Does the Governor's order to close schools apply to preschools?** Yes, if the program is located in a school. It is expected that all Virginia Preschool Initiative (VPI), Head Start, early childhood special education classrooms or other early childhood classrooms located in schools should follow this order. For classrooms funded all or in part by VPI that are located in non-school, private child care settings or that are run by private child care providers are not required to be closed. This decision should be made locally and in consultation with VPI Coordinators and private child care setting directors.
7. **Does the Governor's order to close schools apply to daycares?** No. Child care centers are not impacted by the Governor's order to close schools. Sites should make closure decisions in coordination with local health departments.
8. **How does the Governor's closure order impact Private Schools?** The Governor has closed all K-12 schools, public and private, between March 16-27. This also includes private special education day schools. Private schools licensed by the VDOE are required to identify contingency plans that contain specifics on emergency preparedness and communication with students, families and staff. The Governor's order does not extend to residential facilities or residential group homes licensed by the Department of Behavioral Health and Developmental Services (DBHDS). For specific inquiries regarding private schools contact the [Virginia Council for Private Education](#) (VCPE).
9. **Are exemptions being made for any schools?** The State Superintendent may provide variances on a case by case basis in very limited circumstances. Any request should include at a minimum the following information: (1) Name of program or facility making the request; (2) Size of the student population it serves; (3) Types of services being provided; (4) Reason for request; and (5) Size of staff needed to remain open if you are a school seeking a variance, please submit your request in writing to the Office of the Superintendent of Public Instruction at Superintendent@doe.virginia.gov.

School Budget and Finance

10. **Will VDOE continue to make Basic Aid payments during closure?** Yes, contingency plans are in place to allow the semi-monthly recurring payments for Standards of Quality (SOQ) and other Direct Aid accounts to continue to divisions. In the event of a length of school term waiver request, if the waiver is approved, state SOQ Basic Aid funding will remain with the divisions. If there is a partial approval of a waiver, state SOQ Basic Aid funding may be prorated based on the partial approval of a waiver of the 990 hour/180 day Code requirement.

11. **Will there be any discussions and potential provisions to extend the budget processes for local governments, especially given that the veto session hangs in that balance and the General Assembly (GA) final budget was just released late this past week?** Sec. 15.2-2503 of the Code of Virginia requires local school boards to approve their budgets by April 1 for submission to the local governing body, and Sec. 22.1-93 requires the local governing body to adopt the school division budget by May 15th. Local school divisions are operating under extraordinary circumstances, documentation of the public health reasons budget meetings are being postponed is suggested. School divisions may also consult their school board attorney for guidance. Virtual meetings of local boards may be an option. Also, under Sec. 22.1-93, if VDOE has to issue any new state funding estimates as a result of the Veto Session on April 22, it might be interpreted that the deadline for governing body budget adoption would be 30 days out from when VDOE provided the information, but we don't know whether any new funding information will have to be issued at this point.
12. **What are the suggestions for hourly employees/payroll?** In the event of a division closure, divisions may permit such employees to continue working remotely if in compliance with all laws and regulations. Otherwise, authorizing additional paid leave types for non-exempt employees during the state of emergency should be considered. VDOE recommends that local education agencies (LEAs) make employment and compensation related decisions in close consultation with their attorneys.
13. **What about part-time federally funded employees?** In the event of a division closure, permit such employees to continue working remotely if in compliance with all laws and regulations. Otherwise, authorize additional paid leave types for non-exempt employees during the state of emergency.
14. **Are there any impacts to sales tax revenues?** Given the potential change in economic conditions, it is important that school divisions continue to closely monitor their semi-monthly sales tax payments. Sales tax revenues are delayed by a 2-month period of time to school divisions, from the month of sale to month of payment. With that being said, potential revenue impact to school divisions will likely be felt beginning in April or May 2020 and continue into the next fiscal year. Closely monitoring sales tax payments and making necessary adjustments to your revenue projections is important moving forward.

Student Assessment

15. **Will VDOE cancel Standards of Learning (SOL) testing?** The VDOE is working diligently to seek any waivers necessary to waive state and federal testing requirements. More information will be available in the near future. VDOE staff are evaluating options to provide flexibility in meeting testing and accountability requirements for the Standards

of Learning tests, the Virginia Alternate Assessment Program, and the ACCESS for ELs test administered to English Learners. While the situation may change if waivers are approved, we have the following information at this point. The SOL Writing Test Administration will be extended through Friday, May 15, 2020, for Grade 8 and End-of-Course Writing tests (including term graduate 2nd attempt tests) to be completed once schools re-open for students. It is anticipated that the test administration dates for the reading, mathematics, science, and history SOL tests will be extended for school divisions beyond June 26, 2020; however, timeframes will be determined once more information is available. Please remember that school divisions can adjust their testing window for these tests within the statewide testing window.

The ACCESS for ELLs testing window for English Learners will close as scheduled at 11:59 pm on Friday, March 20, 2020. An additional limited testing window will be available once schools re-open for students. Testing during the additional test window must be completed using the paper form of the ACCESS test. If tests completed prior to schools being closed beginning on March 16, 2020 have not yet been shipped to DRC and responsible parties are scheduled to be present in school buildings during the closures, materials should be returned at the earliest convenience. Otherwise, materials received after March 27, 2020, will be processed during the additional testing window.

The score entry window for all Virginia Alternate Assessment Program (VAAP) collections of evidence will be extended through Friday, June 26, 2020. School divisions will not be asked to submit VAAP collections of evidence for audit purposes. Additional details and specific directions related to all of these changes will be provided separately to Division Directors of Testing via email.

16. **What are resources for Advanced Placement (AP) courses and testing?** AP Central has been updated with information about flexible testing options for schools experiencing substantial disruption or closure and guidance for schools that plan to maintain AP instruction while students are at home. An update can be found here: apcentral.collegeboard.org/about-ap/news-changes/coronavirus-update. AP Central has also prepared a [one-page overview](#) of how AP teachers can use the free, daily online practice in AP Classroom to check student understanding of each topic and skill in the AP course and ensure that students are well prepared for exam day.
17. **What is the impact on ACT testing?** ACT has rescheduled the April 4, 2020 national ACT test date to June 13, 2020 in response to concerns regarding the spread of COVID-19. ACT will communicate directly with all students currently registered for the April 4, 2020 ACT test. All students registered for the April 4 test date will receive an email from ACT in the next few days informing them of the postponement and instructions for next steps. For additional information please visit www.ACT.org.

Instruction

18. **Should student assignments be required/graded?** No. Schools are closed by order of the Governor's office. Since school divisions cannot ensure equity in access, student instructional assignments should not be required or graded during the closure.
19. **What will happen to students enrolled in Virtual Virginia (VVA) courses during an extended closure?** Students enrolled in VVA courses will continue working on courses and remain in contact with VVA teachers via phone, email, LMS, or web conferencing. VVA teachers will be flexible and work with individual students who are not able to access online course content or tools. VVA will continue to be flexible with students and will work with schools as needed to adapt instruction to the needs of our shared students. VVA faculty will continue to teach, conduct live online instruction sessions with students, and remain available to parents, counselors, mentors, and students for the duration of any extended school closure.

Student needs will be different, and VVA teachers and administration will work with each student to ensure he or she has the same opportunity to succeed in the coming days and weeks. Below are some strategies VVA teachers may implement to assist students:

- Modify assignments
- Assign work that can easily be completed at home without an internet connection
- Provide flexible deadlines
- Use both email and phone to contact students and parents/guardians
- Provide additional possibilities for alternate submission methods (for example, phone calls, scans or photos of handwritten work, etc.)

Encourage students to print out what they will need while home, if possible. Students are encouraged to contact teachers as they need assistance. Additional questions regarding Virtual Virginia should be directed to Dr. Brian Mott, Executive Director (brian.mott@virtualva.org).

Early Childhood

20. **What should local education agencies plan for in regards to early childhood education programs that are still open and servicing eligible students with disabilities?** If students are being served in Child Development Centers are receiving services through their Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) and are attending school the provision of services should still be provided to ensure the requirements of a free and appropriate public education (FAPE) are met. If services are not able to be provided per the IEP or IFSP, the IEP/IFSP Team

would need to be reconvened to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements for the time/services not provided. The Governor has not required the closure of licensed child care centers and/or private preschools. As such, there is variability in what programs will remain open/closed and many of these locations will continue to operate in what are highly extraordinary circumstances.

Special Education

- 21. Has there been any discussion about how school divisions will provide for FAPE for students with disabilities in the event of school closures?** If a school closure causes educational services for all students to pause within a school or division, then the school/division is not required to provide services to the affected students eligible for special education services during that same period of time. If a division has extended school closures, VDOE has advised that school divisions should consider options and ideas to engage students in reading, thinking and learning. Creating such opportunities should be done with careful consideration of providing equitable access and support for a variety of students. Due to the waivers that are likely to be granted for school closures related to COVID-19, schools should not consider these strategies for continuity of learning as make-up days or hours. Positive proactive strategies to continue engagement in learning are not a form of instruction/instructional day and thus would not require school divisions to offer FAPE. If a school division does begin to offer instructional services by alternative means the division will remain responsible for the free appropriate public education (FAPE) of its students eligible for special education services with an individualized education program (IEP). Accessible technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. Once school resumes, the school must return to providing special education and related services to students with disabilities in accordance with the student's IEP, or for students entitled to FAPE under Section 504, consistent with any plan developed to meet the requirements of Section 504. Additionally, after an extended closure, divisions are responsible for reviewing how the closure impacted the delivery of special education and related services to students eligible for special education services. Additional specific guidance will be provided to division level special education directors.
- 22. Timelines for special education and will the state or federal calendar be adjusted?** At this time, there is no guidance from the U. S. Department of Education's Office of Special Education Programs (OSEP) regarding the waiver of federal timelines related to special education compliance. OSEP has been clear in the past that there is no waiver for natural disasters. However, OCR has provided guidance that " IEP teams are not required

to meet in person while schools are closed.” In addition, OCR has stated that “If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student’s parent or legal guardian consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504, or who is being evaluated under Section 504.” With this in mind, local school divisions should develop a plan to support maintaining timelines and to document clearly if a delay occurs, the nature and extent of the delay and the plan to move as quickly as possible to prevent any further delay. Local Directors of Special Education should be consulted for local and school based guidance. Recall that existing regulations already provide for certain types of flexibility with regard to holding meetings and for extending timelines. For instance, if the parent and school division agree in writing to extend the 65 business day timeline to obtain additional data that cannot be obtained within the 65 business days, the evaluation/eligibility timeline may be extended. In addition, amendments to IEPs may be made without a meeting, and meetings may always be conducted virtually or by phone see 8 VAC 20-81-110.E.3). As always, school divisions should be flexible in allowing Parents to attend IEP meetings by alternative means and clearly communicate these options to parents. Additionally, school divisions should carefully document all attempts to arrange meetings with parents, including providing meeting notice that complies with special education regulations.

School Nutrition

23. **USDA flexibility for school meals during extended closure?** A Supts. Memo on meal flexibilities and a waiver process using the Summer Food Service Program or Seamless Summer Option during school closures was posted on Friday March 13, 2020: [COVID-19: School Nutrition Program and Meal Options](#) (Word).
24. **Can we open our cafeterias to serve meals?** As schools are currently closed under the Governor’s executive order, they therefore should not be open for typical group school meals service. Instead, in support of social distancing, divisions are distributing “non-congregate” meals via grab-and-go kiosks at school sites or providing community delivery. All children 18 and under may receive meals during the closure under the Summer Seamless Option (SSO) or the Summer Food Service Program (SFSP), with an approved waiver from VDOE. See Supts. Memo: [COVID-19: School Nutrition Program and Meal Options](#). In addition, many localities are setting up or engaging companion food pantries and food bank distributions to serve school-age children and their families.

Data Collection

25. **How do we handle March 30 ADM?** For the April 17 deadline of the Spring SRC data submission that will be used for the March 31 average daily membership (ADM) calculation, the SRC data submitted as of March 31 and the March 31 ADM calculation for this year will remain the same with the exception that student membership (in ADM numerator) and days in session (in ADM denominator) will be excluded from the ADM formula for the days schools are closed up to March 31. Please see the previous VDOE COVID-19 FAQs sent on March 11, 2020, for additional information on student accounting and daily attendance when schools remain open for students.

Teacher Education and Licensure

26. **What is the impact of school closings on candidates completing student teaching this semester in educator preparation programs at Virginia colleges and universities?**
The VDOE has communicated with deans and directors of educator preparation programs to address concerns that candidates currently enrolled in student teaching may not be able to complete the following Board of Education 10-week student teaching requirement due to school closings. Any modification request from deans or directors of educator preparation programs will be reviewed on a case-by-case basis.

State Education Agency

27. **Will OMEGA reimbursement continue to be approved?** Yes
28. **Will VDOE be open, especially Licensure?** Yes, at this time the VDOE and other state agencies (with the exception of the Department of Motor Vehicles (DMV)) will remain open.