COMMONWEALTH of VIRGINIA

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Superintendent of Public Instruction

DEPARTMENT OF EDUCATION
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Dr. Chandra Hayes
Interim Superintendent
Albemarle County Public Schools
401 McIntire Road
Charlottesville, VA 22902

Dr. Rebecca Berlin
School Board Chair
Albemarle County Public Schools
401 McIntire Road
Charlottesville, VA 22902

Dear Interim Superintendent Hayes and Chair Berlin,

We write regarding the U.S. Department of Education (USED)'s letter of November 23, 2026, and to provide additional guidance regarding the next steps VDOE is mandating for Albemarle County Public Schools (ACPS).

Action 1: Background and Registry Checks

ACPS must expand the scope of work with the independent consultant to include a comprehensive review of statutory compliance related to criminal background and registry checks, submit the executed contract with the expanded scope of work (SOW) to VDOE and post the expanded scope of work online by December 3, 2026.

Virginia law prohibits school boards from employing any individual who has been convicted of a barrier crime or who is the subject of a founded case of child abuse or neglect. At a minimum, the law requires vetting through:

- The Central Criminal Records Exchange and the Federal Bureau of Investigation, to obtain criminal history record information, pursuant to § 22.1-296.2.;
- The registry of founded complaints of child abuse and neglect maintained by the Virginia Department of Social Services (VDSS), pursuant to § 22.1-296.4.; and
- In instances where the employee resided in another state within the last five years, the school board, governing board, or administrator must obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state.
- Additionally, under § 22.1-296.1, a school board must require certification from any contractor whose employees will have direct contact with students on school property

during regular school hours or school-sponsored activities and may not award a contract where an individual providing the services has been convicted of a disqualifying offense.

These requirements are essential to the safety of every child in the care of adults in Virginia's public schools. While VDOE recognizes the recent effort by ACPS to submit all outstanding checks, there is a clear need to identify how this lapse occurred and establish checks and balances to prevent recurrence. To that end, VDOE requires ACPS to update its scope of work with the independent consultant to include a comprehensive audit of the division's policies, procedures, and culture related to these statutory requirements. ACPS must submit this updated scope of work to VDOE and post online by **December 3, 2026**.

Action 2: Independent Report

By December 3, 2026, ACPS must execute the contract with an independent consultant, to include the expanded scope of work with a final report from the independent consultant due by February 1, 2027.

Given the urgency of this situation, the updated scope of work and contract must be in place by **December 3, 2026,** and the final report must be submitted by **February 1, 2027**. This timeline is necessary so that the broader Albemarle community and VDOE receive recommendations that enable timely remediation and ensure no future recurrence. ACPS must submit evidence of a signed contract or similar agreement and must inform the public no later than **December 3, 2026**.

Action 3: Audit

ACPS must conduct an immediate audit of a random sample of personnel files for documentation of fully complete background checks.

ACPS must work with external auditors to randomly select at least 15% of its personnel files for current employees who directly work with students and confirm documentation of complete background checks for all such employees. Although the division has disclosed and addressed known deficiencies, concerns remain that gaps persist and full remediation necessitates an additional check. ACPS must use an external auditor and must submit the name of the auditor(s) and/or firm to VDOE no later than **December 10, 2026**. ACPS must complete the audit and have the auditor submit an attestation, including the number of files checked, by **January 1, 2027**.

Action 4: Training

ACPS must participate in mandatory training by state partners on background checks by January 1, 2027.

VDOE will collaborate with Virginia State Police and VDSS to offer training to ACPS staff on how to properly submit all necessary background checks, including use of online portals to expedite these processes and enable real-time monitoring of performance at the state level. All cabinet-level leaders and human resources staff must complete training. ACPS must complete all required training and submit a list of participating staff to VDOE no later than **January 1, 2027**. Doing so will help prevent future recurrence and protect students.

Deadlines and next steps

ACPS must complete and report on Actions 1 and 2 by **December 3, 2026**. Furthermore, by **December 10, 2026**, ACPS must report the name of the external auditor(s) and its plans to complete Actions 3 and 4.

These actions must be completed as required, per the USED's November 23, 2026 letter, or VDOE will withhold ACPS's next reimbursement of federal funds, and failure to complete the actions described above will affect future reimbursements.

VDOE remains committed to working with the ACPS school board and division leadership to rectify this failure, ensure the safety of all students, and rebuild trust with the Albemarle school community. Should you have any additional questions, please contact me directly. We appreciate your cooperation with these additional and adjusted requirements.

Sincerely,



Jenna Conway
Superintendent of Public Instruction