

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

November 20, 2002

The Board of Education and the Board of Career and Technical Education met for the regular business meeting in Senate Room B in the General Assembly Building, Richmond, Virginia, with the following members present:

Mr. Mark C. Christie, President	Mr. Thomas A. Jackson
Mrs. Susan Genovese, Vice President	Dr. Gary L. Jones
Mrs. Audrey B. Davidson	Mrs. Ruby W. Rogers
Mr. Mark E. Emblidge	
Mr. M. Scott Goodman	Dr. Jo Lynne DeMary, Superintendent of Public Instruction

Mr. Christie, president, presided and called the meeting to order at 9:00 a.m.

***MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE***

Mr. Christie asked for a moment of silence and led in the pledge of allegiance.

***APPROVAL OF MINUTES***

Dr. Jones made a motion to approve the minutes of the October 16, 2002, meeting of the Board. The motion was seconded by Mrs. Genovese and carried unanimously. Copies of the minutes had been distributed previously to all members of the Board of Education.

***CONSENT AGENDA***

Mrs. Genovese made a motion to approve the consent agenda. The motion was seconded by Mr. Jackson and carried unanimously.

- First Review of Nomination for Appointment to the Virginia Advisory Committee for the Education of the Gifted
- First Review of the Proposed Revisions to the Model Crisis Management Plan

**First Review of Nomination for Appointments to the Virginia Advisory Committee for the Education of the Gifted**

The Department of Education's recommendation to waive first review and accept the nomination of Nancy Ballinger as the Virginia Administrative Consortium for Gifted Education's representative on the Virginia Advisory Committee for the Education of the Gifted was accepted by the Board of Education's vote on the consent agenda.

**First Review of the Proposed Revisions to the Model Crisis Management Plan**

The Department of Education's recommendation to waive first review and approve the additions to the *Model School Crisis Management Plan* was accepted by the Board of Education's vote on the consent agenda.

**RESOLUTIONS AND RECOGNITIONS**

- A Resolution of Recognition was presented to Dr. Irving Jones, Sr., Richmond City Public Schools, recently named the 2003 National High School Principal of the Year by the National Association of Secondary School Principals (NASSP)
- A Resolution of Recognition was presented to Dr. John O. Simpson, superintendent of Norfolk City Public Schools, recipient of the 2002 Richard R. Green Award from the Council of the Great City Schools
- A Resolution of Recognition was presented to Dr. S. Dawn Goldstine, superintendent of Northampton County Public Schools, recipient of the Leadership in Arts Award
- A Resolution of Recognition was presented to the Randolph-Henry High School Varsity Baseball Team, the first-ever statewide title received by a baseball team at Randolph-Henry High School
- A Resolution of Appreciation was presented to the following members of the Advisory Review Teams for the English Standards of Learning and the English Language Proficiency Standards of Learning for Limited English Proficient Students:

*Reba Greer*, Prince William County Public Schools  
*Nancy Guth*, Stafford County Public Schools  
*Alison Dwier-Selden*, Albemarle County Public Schools  
*Judy Barlyske*, Montgomery County Public Schools  
*Sharon Klevesahl*, Chesterfield County Public Schools  
*Lois Booker*, Lynchburg City Public Schools  
*Nancy Chappell*, Lunenburg County Public Schools  
*Sandra Mitchell*, Fauquier County Public Schools  
*Francis Lively*, Henrico County Public Schools

*Dee Fehrenbach*, Newport News City Public Schools  
*Emma J. Brletich*, Spotsylvania County Public Schools  
*Donald Humbertson*, Fairfax County Public Schools  
*Audrey Smith*, Page County Public Schools  
*Lisa Malloy*, Hanover County Public Schools  
*Jean Hamm*, Smyth County Public Schools  
*Mark Tavernier*, Norfolk City Public Schools  
*Emma Violand-Sanchez*, Arlington County Public Schools  
*Teddi Predaris*, Fairfax County Public Schools  
*Carol Lisi*, Alexandria City Public Schools  
*Betty Mar Little*, Loudoun County Public Schools  
*Loreli Damron*, Albemarle County Public Schools  
*Linda Bland*, Harrisonburg City Public Schools  
*Valerie Gooss*, Henrico County Public Schools

***Final Review of the Regulations Governing the Determination of Critical Teacher Shortage Areas (8 VAC 20-650-10 et seq.)***

Dr. Thomas Elliott, assistant superintendent for teacher education and professional licensure, presented this item. House Bill 1404 enacted by the 2000 Session of the General Assembly stipulated that the Board of Education shall establish needed criteria for determining, biennially, critical teacher shortage areas for awarding scholarships. The criteria specified by the General Assembly includes such factors as teacher shortages at the elementary and secondary grade levels and in rural and urban regions of the commonwealth.

Dr. Elliott pointed out that House Bill 1404 required the Board of Education to promulgate regulations within 280 days of the bill's enactment. The emergency regulations were approved and became effective March 6, 2001.

In addition, House Bill 252 and House Bill 1589 enacted by the 2001 Session of the General Assembly, amended VAC 22.1-23 of the *Code of Virginia*. On April 26, 2001, the Board approved the Notice of Intended Regulatory Action (NOIRA) to promulgate permanent regulations *Governing the Determination of Critical Teacher Shortage Areas* for awarding the Virginia Teaching Scholarship Loan.

Mrs. Davidson made a motion to approve the *Regulations Governing the Determination of Critical Teacher Shortage Areas* and authorize the Department of Education to continue the procedures of the APA. The motion was seconded by Mrs. Genovese and carried unanimously.

**Final Review of Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot be Accommodated on the Standards of Learning Test(s)**

Mrs. Shelley Loving-Ryder, assistant superintendent for assessment, and Mr. H. Douglas Cox, assistant superintendent for instruction, presented this item.

The substitute Standards of Learning evaluation program is for a limited number of students with disabilities who cannot be accommodated on the Standards of Learning tests because of unique physical, sensory, or mental disabilities. Under the proposed provisions, the individualized education program (IEP) team or the student's 504 committee may prepare an evaluation plan for the student if there is evidence that he or she can master the content covered by the Standards of Learning, but cannot take the Standards of Learning tests even with the existing accommodations. The evaluation plan will be submitted to a state-appointed panel for review and approval. After the evaluation plan is approved, the documentation agreed to in the plan will be collected and submitted to the panel for review. Based on the documentation reviewed, the panel may take one of the following actions: (1) recommend awarding the verified credit or determine that the student has mastered the content measured by the eighth-grade reading and mathematics tests, or (2) deny the verified credit or determine that the student has not mastered the content measured by the eighth-grade reading and mathematics tests.

Mr. Goodman made a motion to approve the proposed substitute Standards of Learning evaluation program and to direct the Department of Education to prepare implementation guidelines for distribution to school divisions. The motion was seconded by Mrs. Davidson and carried unanimously.

**Final Review of Proposed Revisions to the English Standards of Learning**

Dr. Linda Poorbaugh, director of elementary instructional services, presented this item. The Board of Education adopted a revised schedule for the review of the English Standards of Learning at its March 27, 2002, meeting. The Standards of Learning review schedule called for the English Standards of Learning review to in March and to be completed by November 2002. The Board approved this action to ensure that Virginia is positioned to comply with annual testing of reading in grades 3 through 8 as required in the federal No Child Left Behind Act of 2001.

Dr. Poorbaugh discussed with the Board the language added to the proposed English Standards of Learning based on a review of the public comments received by the Department. Dr. Poorbaugh said the language enhances the alignment of skills from grade to grade and adds specificity and clarity to the standards.

After a brief discussion, Mrs. Davidson made a motion to adopt the amendments to the revised English Standards of Learning. The motion was seconded by Mrs. Genovese and carried unanimously.

Mrs. Davidson made a motion to adopt the revised English Standards of Learning with the understanding that staff is authorized to make minor technical, nonmaterial changes, as needed. The motion was seconded by Mrs. Genovese and carried unanimously.

Mr. Christie thanked Dr. Poorbaugh and her staff and others at the department for producing excellent English Standards of Learning.

**Final Review of English Language Proficiency Standards of Learning for Limited English Proficient Students**

Mrs. Roberta Schlicher, specialist for English as a second language, presented this item. Title III, Part A, Section 3122 (a)(1) of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, requires development of annual measurable achievement objectives that relate to the development and attainment of English proficiency for limited English proficient students. The goal of the English Language Proficiency Standards is to provide the foundation for LEP student success with the English Standards of Learning.

Mrs. Schlicher said the document has been adjusted to incorporate the following concerns:

- ✓ Technical edits were made to some of the standards.
- ✓ Redundancy was removed in some of the standards.
- ✓ Subjective vocabulary was removed in some of the standards.
- ✓ The writing process was further defined for proficiency levels 1 and 2.
- ✓ The use of technology was incorporated into proficiency levels 1 and 2 under the writing strand.

After a brief discussion, Mrs. Rogers made a motion to adopt the amendments to the English Language Proficiency Standards of Learning. The motion was seconded by Mrs. Genovese and carried unanimously.

Mrs. Genovese made a motion to adopt the proposed English Language Proficiency Standards of Learning for Limited English Proficient Students with the understanding that staff is authorized to make minor technical, nonmaterial changes, as needed. The motion was seconded by Mrs. Rogers and carried unanimously.

Mr. Christie congratulated Mrs. Schlicher and department staff for producing an excellent English Language Proficiency Standards of Learning.

**Final Review of the 2002 Annual Report on the Conditions and Needs of the Public Schools in Virginia**

This item was removed from the agenda and will be continued at a future meeting.

**First Review of a Request from Danville City School Board for an Extension to Appoint a Division Superintendent**

Mrs. Genovese presided for this item. Dr. Thomas Elliott presented this item. Dr. Elliott said the Danville City School Board submitted a request to the Department of Education to extend the time to appoint a division superintendent. The school board chair indicated that a candidate will be appointed by March 1, 2003.

Section 22.1-60 of the *Code of Virginia* states: "The division superintendent shall be appointed by the school board within 180 days after a vacancy occurs. In the event a school board appoints a division superintendent in accordance with the provisions of this section and the appointee seeks and is granted release from such appointment prior to assuming office, the school board shall be granted a sixty-day period from the time of release within which to make another appointment. A school board that has not appointed a superintendent within 120 days of a vacancy shall submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment." Dr. Elliott said the Danville City School Board is in compliance with the *Code*.

Mr. Goodman made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously. Mr. Goodman made a motion to grant an extension until March 1, 2003, to the Danville City School Board to appoint a division superintendent. The motion was seconded by Dr. Jones and carried with six yeas and six nays. Mrs. Davidson abstained from voting.

**First Review of the Statewide Performance Report Summary for Adult Education and Literacy**

Dr. Yvonne Thayer, director of adult education, presented this item. The Adult Education and Family Literacy Act of the Workforce Investment Act of 1998 and the National Reporting System, requires Virginia to report annually on program performance. Section 22.1-226.B of the *Code of Virginia*, requires school divisions to evaluate adult education programs for success and effectiveness, and the Board of Education must report the information to the Governor and the General Assembly.

Dr. Thayer said the Virginia adult education and literacy performance standards address achievement in three major areas: (1) educational gains; (2) credentials; (3) follow-up related to employment and postsecondary education. This report includes 2000-01 data related to the performance targets negotiated with the U. S. Department of Education in all of these areas. Data for 2001-02 will not be available until after January 1, 2003.

Mrs. Davidson made a motion to waive first review. The motion was seconded by Mrs. Rogers and approved unanimously. Mrs. Rogers made a motion to approve the report to be forwarded to the Governor and General Assembly, pursuant to Section 22.1-

226.B of the *Code of Virginia*. The motion was seconded by Mrs. Davidson and carried unanimously.

**First Review of the Annual Report for State-Funded Remedial Programs**

This item was presented by Ms. Kathleen Smith, program development specialist. Ms. Smith was substituting for Dr. James Heywood, director of school improvement.

Section 22.1-199.2.B. of the *Code of Virginia* requires the Board of Education to collect, compile, and analyze data reported by local school divisions to accomplish a statewide review and evaluation of remediation programs. The *Code* further requires that the Board annually report its analysis of the data submitted and a statewide assessment of remediation programs, with any recommendations, to the Governor and the General Assembly.

The current language in Chapter 899 of the 2002-2004 appropriation act allows Standards of Learning (SOL) remediation and Standards of Quality (SOQ) remediation to be distributed as a block grant with no reporting requirements or restrictions. For this reason, the remedial plan was required only for remediation programs, including remedial summer school, which used state funds other than Standards of Learning (SOL) remediation or Standards of Quality (SOQ) remediation. No school division certified using state funds other than Standards of Learning (SOL) remediation or Standards of Quality (SOQ) remediation for remediation programs held during the regular school year.

Ms. Smith said the Board previously reviewed the contents of the report in September. Since September, a summary of funding amounts provided to each local school division for Standards of Quality remedial education payments, Standards of Learning remediation, and Standards of Learning remedial summer school has been added to the report.

Mr. Jackson made a motion to waive first review and the Annual Report for State Funded Remedial Programs be forwarded to the Governor and General Assembly as required by 22.1-199.2.B. of the *Code of Virginia*.

**First Review of the Annual Report on Charter Schools**

Mr. George Irby, director of compensatory programs, presented this item. Mr. Irby said Senate Bill 625 requires all local school boards to review and act on applications for charter schools. Legislation passed in 2000 gave local school boards the option to review or not to review charter school applications. House Bill 734 requires local school boards to report to the Virginia Board of Education on an annual basis the number of public charter school applications that were denied. The new legislation maintains the requirement that local school boards submit annual reports on the progress of charter schools to the state Board of Education. The department notified all school divisions of the new requirements through a Superintendent's Memo dated July 19,

2002. The department will collect the number of charter school applications denied between July 1, 2002, and June 30, 2003, and report the findings to the Board of Education in the summer of 2003.

Mr. Irby said local school boards in eight school divisions have approved eight charter schools. Four of the schools are new schools and four were created through full or partial conversion of existing schools. All of the charter schools provide programs designed to increase educational opportunities for at-risk students.

Mr. Jackson made a motion to waive first review and approve the Annual Report on Charter Schools for submission pursuant to 22.1-212.15, *Code of Virginia*. The motion was seconded by Mrs. Rogers and carried unanimously.

***First Review of Additional Models/Programs that Include Instructional Methods to Satisfy Provisions in Regulations Establishing Accrediting Standards for Public Schools in Virginia***

Dr. Patricia Wright, assistant superintendent for instruction, presented this item. Dr. Wright stated that the revised Regulations Establishing Accrediting Standards for Public Schools in Virginia (SOA), effective September 28, 2000, require schools accredited with warning in English or mathematics to adopt and implement instructional methods that have a proven track record of success at raising student achievement.

Dr. Wright said Boxer Math and Cognitive Tutor are the two programs requested from school divisions to be added to the list of instructional models/programs. Boxer Math courses involve students actively in the learning process and allow them to tangibly interact with abstract concepts. The program generates student interest and highlights the relevance of material in cross-curricular areas, reaches students at all ability levels, and allows students to come to their own understanding in their own words. Cognitive Tutor programs are designed to assist student's thinking and problem-solving skills. The software employs a proprietary tutoring model that fosters the development of procedural and conceptual knowledge by allowing students the opportunity to learn by doing. The Cognitive Tutor programs build a model of each student's strengths and weaknesses, and then provide instructional assistance in the context of problem solving activities.

Mrs. Davidson made a motion to waive first review and approve the proposed additional mathematics instructional models/programs. The motion was seconded by Mrs. Rogers and carried unanimously.

***Report on Teacher Preparation Programs in Virginia, 2000-01***

Dr. Thomas Elliott presented this item. Beginning in 2002, the Department of Education is required to provide an annual report to the Board of Education and the public on the status of approved teacher preparation programs in Virginia. The report is consolidated from several sources, as follows: a) *The Regulations Governing Approved Programs for Virginia Institutions of Higher Education*; b) institutional reports to the state for the Title II; and c) additional information reported by the 15 institutions accredited by the National Council for the Accreditation of Teacher Education (NCATE). Title II also requires colleges and universities with teacher preparation programs to share this information, including teacher assessment pass rates, with the public annually.

The annual report provides information from the previous academic year and gives a comprehensive status of teacher preparation programs in Virginia. The report also is aligned with due dates of other institutional reports required by Board of Education regulations or by Title II.

Dr. Elliott stated that following the Board of Education's review of the first Report on Teacher Preparation Programs in Virginia, 2000-2001, the report will be posted on the Virginia Department of Education's Web site. The Board received the report.

#### **First Review of Annual Report on Regional Alternative Education Programs**

Mr. George Irby presented this item. Mr. Irby said that Section 22.1-209:2 of the *Code of Virginia* states that an annual report be provided to the General Assembly on the regional alternative education projects. The 1993 General Assembly approved legislation and funding to create regional pilot projects to provide an educational alternative for certain students who had a pending violation of school board policy, had been expelled or long-term suspended, or were returning from juvenile correctional centers. Presently, there are 30 regional projects in operation involving 116 school divisions. A formula based on staffing patterns and the composite index of local ability to pay determines continuation funding. The state appropriation for 2002-03 is \$5,386,590.

Programs are designed to meet the needs of pupils in the school divisions where they are located. Most are part-day or full-day programs. There has been a five-year growth in student enrollment data that demonstrates the continued need for these programs. Last year, 3,985 students were served. Various factors contribute to the success of these programs. They include small school size, low teacher-pupil ratio, individual and small group instruction, infusion of technology, effective communication and collaboration, and support from parents and school boards.

Mrs. Genovese made a motion to waive first review and approve the Annual Report on Regional Alternative Education Projects. The motion was seconded by Mrs. Rogers and carried unanimously.

***PUBLIC COMMENT***

The following persons spoke during public comment:

Sequoia Ross  
Randy Reeks  
Debbie Smith

***DISCUSSION OF CURRENT ISSUES***

Mr. Christie acknowledged the letter, delivered by Dr. Jones, from the Fairfax County superintendent regarding staffing ratios. Mr. Christie said the letter will be forwarded to the Board's SOQ committee.

Mr. Christie announced that the next meeting of the Board, on December 4, 2002, will be a video teleconference. The *No Child Left Behind* committee meeting will be from 9 a.m.-12 noon. The sites for this meeting will be the General Assembly Building, Senate Room A, and Southwest Virginia Higher Education Center in Abingdon. The full Board of Education meeting will begin at 2 p.m. The sites for this meeting will be the General Assembly Building, Senate Room A; Southwest Virginia Higher Education Center in Abingdon; Galax campus of the Wytheville Community College; Manassas campus of the Northern Virginia Community College, and the Longwood University Campus.

Dr. Jones thanked Mr. Christie for removing the agenda item, *Final Review of Board of Education 2002 Annual Report on the Condition and Needs of Public Schools in Virginia*. Dr. Jones feels the need for more input from the public before the report is sent to the Governor and the General Assembly.

Dr. DeMary said that Newsome Park Elementary, Newport News City Public Schools, is one of the featured stories in the November/December issue of *Teaching*. Dr. DeMary said the article focused on standards and test preparation and Newsome Park Elementary was one of the examples featured in the article.

***ADJOURNMENT***

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Christie adjourned the meeting at 11:30 a.m.

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President

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Secretary