

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

April 29, 2003

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

Mr. Mark C. Christie, President	Dr. Gary L. Jones
Mrs. Susan L. Genovese	Ms. Susan T. Noble
Mr. Mark E. Emblidge	Mrs. Ruby W. Rogers
Mr. M. Scott Goodman	Dr. Ella P. Ward
Mr. Thomas M. Jackson, Jr.	
	Dr. Jo Lynne DeMary, Superintendent of Public Instruction

Mr. Christie, president, presided and called the meeting to order at 1:00 p.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. Ward made a motion to approve the minutes of the March 26, 2003, meeting of the Board. Mrs. Genovese seconded the motion, and it carried unanimously. Copies of the minutes had been distributed previously to all members of the Board of Education.

ACTION ITEMS

Final Review of Proposed Revisions to the Regulations Governing Pupil Transportation (8 VAC 20-70-10 et seq.)

Mr. Dan Timberlake, assistant superintendent at the department, presented this item. Mr. Timberlake said the Board reviewed proposed changes to the regulations in September 2001. These changes reflected recommendations from the pupil transportation community across the state. They also reflected revisions that were needed to recognize changes that had occurred in state and federal laws. In May 2002, the regulations were brought to the Board for a second time to consider changes proposed by the Department of Planning and Budget. The proposed revisions were then published in

the *Virginia Register*, and a public comment period was held between October 16 and November 25, 2002. A public hearing was also held in Richmond on October 16, 2002.

Mr. Goodman made a motion to accept the proposed changes and adopt the regulations. Mrs. Genovese seconded the motion, and it carried unanimously.

Final Review of Recommendations from the Accountability Advisory Committee Regarding Alternative Accreditation Plans for Special Purpose Schools and Reporting of Advanced Scores on Standards of Learning Tests

Mr. Emblidge presented this item. Mr. Emblidge said that the Accountability Advisory Committee is aware that there are questions concerning the first part of the recommendation relating to alternative accreditation plans for special purpose schools. Mr. Emblidge said the committee will address these questions before the Board votes on the recommendations.

Mr. Emblidge made a motion to approve the publishing of the advanced Standards of Learning scores. The motion was seconded by Dr. Ward and carried unanimously.

Final Review of Proposed Changes to Course Codes for the Board-Approved History/Social Science Courses to Satisfy Graduation Requirements

Mrs. Maureen B. Hajar, director of secondary education, presented this item. Mrs. Hajar said the Board approved revised History and Social Science Standards of Learning in January 2001. School divisions will begin full implementation of the revised Standards of Learning in the fall of 2003.

When the History and Social Science Standards of Learning were revised, changes were made to several course titles. The list of Board-approved courses to satisfy graduation requirements to reflect the new course titles was updated and revised. New course codes were assigned. The Board also approved several Advanced Placement and International Baccalaureate assessments as substitute assessments for students to earn verified credits. The courses associated with these substitute assessments include content that incorporates or exceeds the Standards of Learning content in the courses for which verified credit is given.

Mrs. Genovese made a motion to approve the proposed revisions to the list of history and social science courses to satisfy graduation requirement. The motion was seconded by Mrs. Rogers and carried unanimously.

Final Review of Revisions to the Consolidated State Application Submission Due May 1, 2003, Under the No Child Left Behind Act of 2001

Dr. Patricia Wright, assistant superintendent for instruction, presented this item. Dr. Wright said The *No Child Left Behind Act of 2001* (NCLB) requires states to establish an accountability system for schools, school divisions, and the state through which adequate yearly progress (AYP) can be measured for student performance on reading/language arts and mathematics assessments, for the graduation rate in secondary schools, and for another academic indicator in elementary schools. Virginia's Consolidated Application approved by the Board of Education in May 2002 and by the U. S. Department of Education described Virginia's statewide accountability system and outlined the steps that Virginia would follow to implement other requirements of NCLB.

On January 28, 2003, the Board of Education approved the Consolidated State Application Accountability Workbook, which outlines how Virginia is meeting or plans to meet the NCLB accountability requirements. Current federal guidance indicates that final state policies must be submitted to the U. S. Department of Education by May 1, 2003. Guidance received from the U. S. Department of Education following the March 2003 Board meeting notified states that the May 1 submission also must identify baseline data, performance targets, and timelines for meeting certain AYP-related performance indicators.

Mr. Christie introduced the following resolution:

**Virginia Board of Education Resolution
Testing Policies in Effect for the 2002-03 Academic Year**

Whereas, the Virginia Board of Education established policies for the administration of Standards of Learning (SOL) tests in its 1997 amendments to the Standards of Accreditation, which amendments included provisions related to the participation of children with disabilities and children with limited or no English proficiency in the SOL testing program; and

Whereas, local school divisions have followed these testing policies since the beginning of Standards of Learning testing in the 1997-98 academic year; and

Whereas, on November 26, 2002, several months after schools in Virginia had begun their 2002-03 academic year and after fall SOL testing had begun in many local school divisions, USED issued final regulations implementing the *No Child Left Behind Act of 2001*; and

Whereas, on January 28, 2003, the Board approved its Consolidated Application Accountability Workbook under the *No Child Left Behind Act of 2001*, which represented Virginia's most detailed implementation plan for the law, and submitted it to USED before the January 31, 2003 deadline; and

Whereas, on February 24, 2003, President Mark Christie, Superintendent of Public Instruction Jo Lynne DeMary, Deputy Secretary of Education Sarah Finley, and key Virginia Department of Education officials met with the USED peer review panel to answer questions and present evidence in support of the Board's January 28, 2003, accountability workbook; and

Whereas, on March 5, 2003, the Virginia Department of Education received a letter from USED that explained the peer review process and stated that USED would respond in writing to the state education agency (the Board) within four weeks of the February 24 meeting; and

Whereas, on March 20, 2003, the USED issued a notice of proposed rulemaking and solicited public comment by May 19, 2003, on proposed additional amendments to the final *No Child Left Behind Act of 2001* regulations that relate to testing policies for students with the most significant cognitive disabilities; and

Whereas, on April 3, 2003, the USED issued further guidance on completing the Consolidated State Application submission that is due May 1, 2003; and

Whereas, on April 18, 2003, President Mark Christie received a letter from USED Undersecretary Eugene Hickok, nearly three months after Virginia filed its consolidated workbook and more than seven weeks after the peer review meeting, which cited issues that must be resolved or clarified before approval of Virginia's plan can be granted; and

Whereas, based on Undersecretary Hickok's letter, several issues which represent major changes to Virginia's SOL testing policies in effect since 1997 continue to be the subject of discussion between USED and Virginia; and

Whereas, spring SOL testing for the current academic year has already begun, with schools throughout Virginia following testing policies for student participation contained in the Standards of Accreditation since 1997; and

Whereas, with fall 2002 SOL testing already complete and spring 2003 SOL testing already underway, it would be impractical and extremely disruptive to change SOL testing policies at this point, especially before the extent of required policy changes have even been resolved through the Board's discussions with USED;

Now therefore, be it resolved, that the student participation requirements for the spring 2003 Standards of Learning test administration will be governed by the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 *et seq.*).

Adopted in Richmond This 29th Day of April in the Year 2003.

Mr. Emblidge made a motion to approve the resolution. The motion was seconded by Ms. Noble and carried unanimously.

Dr. Cheri Magill, director of accreditation, summarized the proposed revisions to the Consolidated State Application Accountability Workbook.

Dr. Shelley Loving-Ryder, assistant superintendent of assessment, discussed the changes in critical element 5.3, which clarifies inclusion of students with disabilities taking alternate assessments into AYP calculations.

Mr. Jackson made a motion to accept the revisions to the Consolidated State Application Accountability Workbook. The motion was seconded by Mrs. Rogers and carried unanimously.

Mrs. Rogers made a motion to approve the baseline data, performance targets, and timelines for the Consolidated State Application submission due May 1, 2003, under the *No Child Left Behind Act of 2001*. The motion was seconded by Mr. Emblidge and carried unanimously.

Final Review of Process and Criteria for the Identification of Persistently Dangerous Schools as Required by the No Child Left Behind Act of 2001

Dr. Cynthia Cave, director of policy, presented this item. The federal *No Child Left Behind Act of 2001*, at Title IX, Section 9532, requires each state receiving funds under the act to establish and implement a statewide Unsafe School Choice Option Policy. The Virginia Board of Education's statewide policy adopted May 23, 2003, on students attending a persistently dangerous public elementary school or secondary school or becoming victims of a violent criminal offense while in or on the grounds of a public elementary school or secondary school is to provide those students with the opportunity to attend a safe public elementary school or secondary school within the local educational agency.

Dr. Cave said the revised proposal contains the following changes:

- The terms for some incidents have been changed to align with the definitions for these offenses provided in the 2002-2003 *Annual Report on Discipline, Crime, and Violence*. The terms "rape and attempted rape" have been replaced with "sexual assault offenses."
- Three incidents have been added to the criteria: "aggravated sexual battery," "malicious wounding without a weapon" (malicious wounding with a weapon is covered under assault with a weapon), and "illegal possession of controlled drugs and substances with intent to sell or distribute."
- Because current definitions and offense reporting categories in the *Annual Report on Discipline, Crime, and Violence* will have to be refined and changed to isolate and track these incidents, accurate information about them will not be available until the collection of data for the 2003-2004 school year.

The process for the identification of schools will remain the same, with the use of the additional incidents to be applied as follows:

- Data collected for the 1999-2000 school year and reported in the *Annual Report on Discipline, Crime, and Violence* will be used as baseline data for determining whether there are persistently dangerous schools. Since the schools must be identified for the first time by June of 2003, the first round of school identification will use available data on reported incidents as defined from the 1999-2000, 2000-2001, and 2001-2002 annual reports. These incidents include homicide; sexual assault offenses; use of a bomb or explosive device; assault with a firearm or other weapon; actual and attempted

robbery; kidnapping/abduction; and illegal possession of a handgun, rifle/shotgun, projectile weapon, bomb, or other firearms.

- Beginning with the school year 2003-2004, the *Annual Report on Discipline, Crime and Violence* will be modified to add and to clarify definitions of certain incidents that are felonies and to allow separate reporting of their occurrence. These incidents are “malicious wounding without a weapon,” “aggravated sexual battery,” and “illegal possession of controlled drugs and substances with intent to distribute or sell.” The crimes will be added to the criteria for identification of persistently dangerous schools when the data are collected through the report.
- Incidents will be placed in three categories according to degree of harm. Category I incidents include homicide, sexual assault offenses, and use of a bomb or explosive device. Category II incidents include assault with a firearm or other weapon, malicious wounding without a weapon, actual and attempted robbery, aggravated sexual battery, and kidnapping/abduction. Category III incidents include illegal possession of controlled drugs and substances with intent to sell or distribute and illegal possession of a handgun, rifle/shotgun, projectile weapon, bomb, or other firearms.
- The Virginia Board of Education’s established thresholds of incidents per year for Category I and points accumulated per school size based on incidents for Categories II and III will be used to identify a persistently dangerous school over a consecutive three-year period.

Mr. Jackson made a motion to adopt the proposed process and criteria for identification of persistently dangerous schools. The motion was seconded by Dr. Ward and carried unanimously.

Mr. Goodman made a motion to add the following statement to the first bullet of the identification criteria and process proposal: *Only those incidents that occur during the school hour on school property or during school-sponsored events on school property.* The motion was seconded by Mr. Jackson and carried unanimously.

Final Review of the Educational Technology Plan for Virginia: 2003-2009

Mr. Lan Neugent, assistant superintendent of technology, presented this item. Mr. Neugent said the Virginia Code requires the Board of Education to adopt a six-year plan for educational technology as follows:

The Board of Education shall revise, extend and adopt biennially a statewide six-year improvement plan that shall be developed with statewide participation and shall be available for public inspection and copying. This plan shall include the objectives of public education in Virginia, an assessment of the extent to which

these objectives are being achieved, a forecast of enrollment changes and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide six-year improvement plan have been met.

The Board shall also develop, as a part of its six-year improvement plan, a detailed six-year plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia. The Board shall review and approve the six-year plan for educational technology and may require the revision of such plan, as it deems necessary.

The draft of the *Educational Technology Plan for Virginia: 2003-2009* establishes five major components and sixteen goals that provide a framework and strategic direction for educators utilizing technology to improve student learning. These components are integration (of technology into instruction), professional development and support programs, connectivity, educational applications, and accountability. The plan is organized to include:

- A review of literature to validate major components and goals;
- Specific goals and targets (objectives) to be achieved;
- Direct benefit to teaching and learning upon accomplishment of each target;
- Current status of the targeted area in Virginia schools;
- Description of the action necessary to reach each target;
- Progress measures or indicators to determine accomplishment of each goal; and
- Collaboration by the department (strategic direction), school divisions and stakeholders (representative actions) necessary to reach goals and targets.

Mr. Neugent said the six-year plan provides details of actions necessary by all stakeholders to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia.

Mrs. Rogers made a motion to accept the *Educational Technology Plan for Virginia: 2003-2009* for final review and approval. The motion was seconded by Dr. Ward and carried unanimously.

Final Review of the ABTEL Resolution to Enhance Reading Instruction in Virginia

Dr. Jane Massey-Wilson, superintendent of West Point Public Schools and chair, Advisory Board on Teacher Education and Licensure (ABTEL), presented this item. Dr. Massey-Wilson said ABTEL, in cooperation with the State Council of Higher Education for Virginia, conducted a series of initiatives in response to House Joint Resolution Number 794 (HJR 794) of the 2001 session of the General Assembly. The resolution

requested a study to determine the proficiency of Virginia teachers in teaching systematic explicit phonics.

The study requested responses to the following issues:

1. Extent to which teacher preparation programs in Virginia's schools of education provide instruction to aspiring teachers in the use of systematic explicit phonics;
2. Usefulness of requiring that all persons seeking initial licensure to licensure renewal demonstrate proficiency in the teaching of systematic explicit phonics; and
3. Creation of a state professional development program to assess the skills of those teachers required to demonstrate phonics proficiency for licensure and provide additional training in systematic explicit phonics to those who do not demonstrate such proficiency.

A resolution to enhance reading instruction was adopted on March 17, 2003, by ABTEL. The resolution was presented to the Board of Education for first review on March 26, 2003. The resolution adopting the recommendations of ABTEL to enhance the teaching of reading in Virginia reads as follows:

*Resolution of the Board of Education
Adopting the Recommendations of the
Advisory Board on Teacher Education and Licensure
to Enhance the Teaching of Reading in Virginia*

Whereas, the Advisory Board on Teacher Education and Licensure (ABTEL), in cooperation with the State Council of Higher Education for Virginia, responded on behalf of the Board of Education to the request of House Joint Resolution Number 794 (HJR 794) agreed to by the 2001 session of the Virginia General Assembly; and

Whereas, HJR 794 requested a study of the proficiency of Virginia teachers in teaching systematic explicit phonics including: (1) the extent to which teacher preparation programs provide instruction to aspiring teachers in the use of systematic explicit phonics; (2) the usefulness of requiring that all persons seeking initial licensure or licensure renewal demonstrate proficiency in the teaching of systematic explicit phonics; and (3) the creation of a state professional development program to develop and assess the skills of those teachers required to demonstrate phonics proficiency for licensure and provide additional training in systemic explicit phonics to those who do not demonstrate such proficiency; and

Whereas, the ABTEL conducted its study through a series of initiatives that included the examination of matrices developed by the 37 approved teacher preparation programs to identify reading competencies for all teaching areas, received clarification from the 37 institutions on information regarding instruction of systematic explicit phonics, and established a panel to review reading assessment instruments to determine their appropriateness for use in initial licensure of elementary and special education teachers and reading specialists; and

Whereas, the ABTEL recommended to the Board of Education on March 26, 2003, that a reading assessment shall be aligned with the Virginia Standards of Learning and the National Reading Panel's five

key components of effective reading instruction: phonics, phonemic awareness, vocabulary, comprehension, and fluency;

Now, Therefore, Be It Resolved that the Board of Education adopts the Advisory Board on Teacher Education and Licensure's recommendation to require a reading instructional assessment for teachers of special education and elementary prek-3 and prek-6 and reading specialists no later than July 1, 2004.

Adopted by the Board of Education, this 29th day of April in the Year 2003.

Ms. Noble made a motion to adopt the resolution. The motion was seconded by Mrs. Genovese and carried unanimously.

First Review of Board of Education Nominees to the Virginia Schools for the Deaf and Blind Consolidation Task Force

Dr. Karen Trump, director of state operated programs, presented this item. Dr. Trump said that the Board of Education is directed to convene a task force to develop a plan for consolidating services for the deaf and/or blind and multi-disabled students served by Virginia's two state schools for these students. The task force must include one parent of a currently enrolled student from each of the schools and at least one representative from the Board of Education. Mr. Christie appointed Mr. Goodman to serve as the chair of the task force.

The following agencies are also designated to participate: The Department for the Deaf and Hard-of-Hearing, the Department for the Blind and Vision Impaired, the Department of Rehabilitative Services, and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The Superintendent of Public Instruction, the Superintendents of the two state schools and the two co-chairmen of the Advisory Commission on the Virginia Schools for the Deaf and Blind are also designated for membership.

Mrs. Rogers made a motion to waive first review and appoint the following parents to the Consolidation Task Force for the Virginia Schools for the Deaf and Blind:

- Ms. Lisa Surber of Waynesboro, Virginia
- Mr. David Young of Norfolk, Virginia.

The motion was seconded by Dr. Ward and carried unanimously

PUBLIC COMMENT

The following person spoke during public comment:

Mickey Van Der Werker

DISCUSSION OF CURRENT ISSUES

Dr. DeMary, just returning from the Milken National Education Award Conference, reported that two teachers and an administrator from Virginia were recognized. Each recipient received a check for \$25,000. The educators were:

- George Weiner, teacher, White Oaks Elementary School
Burke, Virginia (Fairfax County)
- Subrina Parker, teacher, Kiptopeke Elementary School
Cape Charles, Virginia
- Dr. Doreatha White, principal, Roberts Park Elementary School
Norfolk, Virginia

Dr. DeMary said that during the keynote presentation, the Milken Foundation featured a video of three recipients that stood out among the 140 recipients. Two of those recipients were Virginia educators—George Weiner and Subrina Parker.

Dr. DeMary also stated that former Board president, Kirk Schroder, successfully defended his dissertation and is now Dr. Kirk Schroder.

EXECUTIVE SESSION

Mrs. Genovese made a motion to go into executive session under *Virginia Code* section 2.2-400.A.1, specifically to discuss personnel matters related to licensure. The motion was seconded by Ms. Noble and carried unanimously. The Board adjourned for the Executive Session at 3:00 p.m.

Mrs. Genovese made a motion that the Board reconvene in open session. The motion was seconded by Mr. Jackson and carried unanimously. The Board reconvened at 3:50 p.m.

Mrs. Genovese made a motion that the Board certify by roll-call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed, or considered by the Board. The motion was seconded by Mrs. Rogers and carried unanimously. Board roll call:

Dr. Ward - Yes
Mr. Emblidge - Yes
Dr. Jones - Yes
Mrs. Rogers - Yes

Mr. Christie -Yes
Mrs. Genovese -Yes
Ms. Noble -Yes
Mr. Goodman - Yes
Mr. Jackson - Yes

Mrs. Genovese made the following motions:

- Case #1 – That the Board accept the panel’s recommendation to issue the teaching license. Mr. Goodman seconded the motion and it carried unanimously.
- Case #2 – That the Board restore the teaching license without any administration or supervision endorsement. By a show of hands, the motion passed with five “yes” votes and three “no” votes. Dr. Ward recused herself from the deliberations and the vote related to this matter.
- Case #3 – That the Board accept the recommendation of the superintendent’s panel to deny issuance of the teaching license. By a show of hands, the motion passed with seven “yes” votes and two “no” votes.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Christie adjourned the meeting at 3:55 p.m.

Immediately upon adjournment, Mr. Christie convened the public hearing. Mr. Christie convened the public hearing at 4:00 p.m.

PUBLIC HEARING ON THE PROPOSED SCIENCE STANDARDS OF LEARNING CURRICULUM FRAMEWORK

No one spoke during this public hearing. Mr. Christie adjourned the hearing at 4:01 p.m.