

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

September 17, 2003

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

Mr. Thomas M. Jackson, Jr.
Mrs. Susan L. Genovese
Mr. Mark E. Emblidge
Mr. M. Scott Goodman

Dr. Gary L. Jones
Mr. David L. Johnson
Mrs. Ruby W. Rogers
Dr. Ella P. Ward

Dr. Jo Lynne DeMary,
Superintendent of Public Instruction

Mr. Thomas G. Johnson, Jr., was at a remote location, via telephone conference call, in Chesapeake, Virginia, at Jolliff Middle School. There were also members of the public in attendance with Mr. Johnson at the remote location.

Mr. Jackson, president, called the meeting to order at 9:10 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mr. Jackson asked for a moment of silence and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Goodman made a motion to approve the minutes of the July 23, 2003, meeting of the Board. Mrs. Rogers seconded the motion that carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

THE HONORABLE MARK R. WARNER

The Honorable Mark R. Warner, Governor of the Commonwealth of Virginia, addressed the Board of Education during the morning session. Governor Warner congratulated Mr. Jackson on being elected president to the Board of Education. Governor Warner also congratulated Mr. Mark Christie, past president of the Board of Education, for his outstanding service as a member of the Board of Education from 1997 to 2003. The governor also recognized Dr. Wayne Tripp, superintendent of the Salem City Public Schools, for being named Virginia's Superintendent of the Year.

In his remarks, Governor Warner said that early in his tenure as governor, his administration began to look at the size and scope of the unprecedented budget short fall. In the first 20 months of his administration, the Governor and his staff had to confront a \$6 billion revenue shortfall. Governor Warner said that at the present, state government has 5,000 fewer state employees than the previous administration. Governor Warner said one of the things he is proudest of is that Virginia has become one of a handful of states to get through the fiscal shortfalls without a single dollar cut to public education. Excerpts from the Governor's speech follow:

We know that good schools create new opportunities for children who are too often caught in the grip of poverty and despair. It is the great "equalizer" that renews the promise of our democracy. We know that investments made in preschool can significantly increase performance in the early grades and beyond.

We know that higher education can improve the quality of our life in ways almost too numerous to mention. Young people who earn an associate's degree will earn \$8,000 per year more on average than if they had only a high school diploma. That figure goes up to \$13,000 for bachelor's degrees and \$28,000 for master's degrees.

We know that research conducted in Virginia's universities holds the promise of curing diseases, creating new technological breakthroughs, and spurring economic growth throughout the Commonwealth.

As Virginia's students go back to school this year, we can celebrate the strong advances they have made. SAT math and verbal scores rose significantly last year. More and more of our students are passing the SOLs. And the most recent report of the National Assessment of Educational Progress shows significant improvements by Virginia students.

And by almost any measure, Virginia's institutions of higher education continue to be some of the best in the nation.

The challenges in education

Now against this promising backdrop are enormous challenges. Some of them are as old as public education itself. They center on what value we place on our schools; how to adapt to change; how best to raise student achievement; and what to do with failing schools and overburdened teachers.

In more specific terms, we continue to grapple with the reality that too many children come to school unprepared to learn - whether through poor nutrition or inadequate support at home. We know that despite all of the best efforts of Virginia's teachers and principals, one in four of our third graders still doesn't pass the SOL reading test. Nearly one in three eighth graders is failing his or her reading tests.

More than 26 percent of the children who enter the ninth grade never earn a diploma. This school year will mark the first year in which our high school seniors will have to earn enough verified credits through the SOLs to earn a standard high school diploma. And without help, thousands may not.

There remains an unacceptable gap in the achievement of white students and minorities, which should be a concern to all Virginians. And while we must focus on those at risk, we must be equally determined to bring out the best from our brightest students - to make sure that school is a vibrant and stimulating environment.

We also face the challenge of recruiting and retaining enough teachers to fill Virginia's classrooms. During the next decade 33,000 teachers become eligible to retire. That is approximately 40 percent of all Virginia's teachers. To give you some perspective, we're expecting 32,000 new students to enter the public education system in the next two years alone. We are already experiencing an unacceptable number of vacancies and teachers teaching subjects outside their own area of expertise.

On our college campuses, too many talented professors have left our system because we can't compete with other institutions in pay and resources. Many of our students have had to delay graduation because classes they needed were not available. Because of Virginia's budget crisis, tuition at all of our institutions of higher education has gone up. They are still a bargain nationally, but it will cost Virginians about \$1,000 more this year to attend college. And even though Virginians passed a \$900 million bond referendum last year for capital projects at our colleges and universities, the system is still not fully equipped to handle the influx of new students we expect over the next decade - a number we thought to be 38,000, and only in the last few months re-estimated at 61,000 new students. If these young adults don't get the chance to earn a college degree, their earning power will be severely reduced.

Now policy-makers have long spoken of the problems facing our schools, and the results have plainly been mixed. Twenty years ago, the National Commission on Excellence in Education published an important report entitled "A Nation at Risk." Well, 20 years later, while progress has been made, we are still at risk. And the urgency of eliminating that risk is greater than it has ever been before. As someone who made a living in the high technology sector, I can tell you that the pace of technological change is nothing short of staggering. To succeed in this economy, today's workers will need skills that were unheard of a generation ago. This kind of rapidly changing economy demands a workforce that is smart, well-trained and adaptable. That's what I hear almost daily from corporate executives who are trying to decide whether to bring jobs to Virginia, or one of our competitor states. We must make available to our people lifelong learning that starts in pre-school and is available throughout their working life.

An education for a lifetime

The pace of change in the global economy would be reason enough to reform and strengthen our commitment to education in Virginia. But there are reasons why the urgency of this challenge is greater than ever. As a businessman, I know that successful companies use lean times not only to streamline their operations, but they also continue to invest in their most important assets. In Virginia, our greatest asset is our people. To realize their enormous potential, and to meet the challenges confronting our schools, we're going to insist on a series of smart reforms for our system of public education - just like we've done in other areas of state government. It will focus on Education for a Lifetime. These reforms will recognize the urgency of a new and more competitive economy.

They will reflect the fact that education can no longer be seen as a series of discreet and independent stages. Our reforms will be measurable and grounded in the idea of accountability. And most importantly, they offer our people greater opportunities for success. We will match our zeal for reform with a renewed challenge to parents and whole communities to take greater

responsibility for the education of our children, to display the kind of commitment we've seen with our PASS Partners.

Budget for quality

Our first step is to commit to the people of this Commonwealth that we will put our budget on a path to full funding of a first class system of education. I am announcing today that my budget for the next biennium will include full funding for the Board of Education's projection for the Standards of Quality, which is now estimated to be \$525 million of new funds. And we will begin the process of funding the SOQ revisions proposed by the State Board.

Our commitment to the overdue revisions of the Standards of Quality will eventually mean more reading specialists for kids who are having problems, better prepared teachers, enhanced school safety, and better use of technology in the classroom. It will mean that our children will get a better education. I am grateful to the members of the Board of Education - including the majority who were selected by my predecessor - for recommending these changes.

Our budget will also put our nationally-acclaimed colleges and universities on a path to meeting the financial needs of our system of higher education. Now doing this will not be easy. Last year, members of the General Assembly from both houses and both parties joined me as we renewed our commitment to public education in Virginia. In doing so, we became one of only a handful of states to increase educational funding at a time of such fiscal stress. This year the challenge will be even greater, and I'll need all members - Democrats and Republicans - to stand united in meeting our obligations to fully fund the SOQ.

Smart, targeted reforms

Our next step in this effort to build an Education for a Lifetime is to launch a series of smart reforms in how we educate our people and prepare them for the jobs of the future. And again, we must insist that the results be measurable. To this end, our most significant change will be to overhaul how we prepare high school seniors for life after graduation. Too many seniors spend their last year in school just marking time. It is a far too common story. Once the senior gets his or her acceptance letter from college, interest in school often disappears.

For those students not going to college, a high school diploma is simply not enough. "Senior Year Plus" will require something new of our students. For the students heading straight to work, we will ask rising seniors to commit to obtain not only a diploma, but also the skills and credentials needed for a high paying job. In return, we will help them pursue this course of study even beyond graduation from high school. For the college bound students, "Senior Year Plus" means we'll give them the chance to earn a semester's worth of college credit during their senior year. We'll utilize our four-year colleges, community colleges, distance learning and traditional advanced placement programs to earn these credits.

Earning these credits won't be easy. But if they do, students can get a big jump on college and save thousands of dollars in tuition costs. That's a good deal for Virginia families and it will create new opportunities for our people. And just to be clear, for students who are in danger of failing to graduate because of the SOL requirements, we will continue to build on Project Graduation, which has offered successful remedial help to students in preparing for - and passing - the SOLs.

Our second reform is grounded in the simple idea of efficiency. You know, every year we spend \$9 billion in state, federal and local money for elementary and secondary education in

Virginia. That's about \$1,300 from every man, woman, and child in the Commonwealth. Most of that money is well spent. But if there is one thing I learned in business, it's that large enterprises can always improve and become more efficient. In public schools, every dollar saved is a dollar that can be reinvested right back into the classroom.

To advance this goal, we will deploy auditors and management specialists from the state's Department of Planning and Budget to help school systems realize greater efficiencies and to identify good practices that can be shared with other school divisions. It's an approach that Texas pioneered several years ago with great success. As a second step to further accountability, we will also launch a statewide performance review to give parents, policymakers, and all taxpayers a clear picture of how their schools are performing. We're going to show the taxpayers that public education will do its part to achieve savings, accountability and efficiency.

Retaining excellent teachers

Our third major reform addresses the crucial issue of teacher shortages. While we must improve our teacher recruitment efforts, an even greater challenge lies in retaining good teachers, too many of whom leave the profession during the first five years of service. Apart from parents, good teachers have more to do with academic success than any other factor, including class size. To address this challenge, we'll launch a new mentoring program for teachers that includes incentives and clear standards and is grounded in accountability. This program will provide new teachers with a meaningful support mechanism during their first year, which is when so many promising young teachers leave.

We'll also train and deploy "Turn Around Specialists" to go into and improve the most troubled schools. This concept has worked in private business. It is based on the idea of accountability, and we can measure the results. Now there are other parts to our Education for a Lifetime program that we will be highlighting in the coming weeks. We will propose to raise standards for child care providers in Virginia, and to build on the great work done by Secretary Jane Woods to enroll more children in Virginia's health insurance program for kids.

We'll highlight continued reforms in our workforce development programs. And we'll begin building the consensus for our goal of increasing research and development spending to \$1 billion by the year 2010. Higher education in Virginia can and must remain the envy of other states, but it will not without renewed commitment. At the same time, we'll be asking more of our institutions. We'll ask them to teach even more of our people in order to fuel economic growth and a better quality of life in Virginia.

Summing up

At its core, our Education for a Lifetime initiative will challenge old and established ways of doing business. But as I have said over and over again, if we are going to move Virginia forward in this time of fiscal stress and rapid technological change, we must be smarter than our competitors. And everyday, we must insist on accountability, and we must be able to measure our results.

With the kind of smart reforms that are embodied in our Education for a Lifetime Initiative, and with the strong support of parents and whole communities, we can make Virginia a more prosperous state, with better jobs and a better quality of life for our people. We can build a Commonwealth of Opportunity.

RESOLUTIONS/RECOGNITIONS

- A Resolution of Recognition was presented to the 2003 Superintendent of the Year, *Dr. N. Wayne Tripp*, Superintendent of Salem City Public Schools.
- A Resolution of Recognition was presented to Mr. Mark C. Christie for his outstanding service as a member of the Board of Education from 1997 to 2003 and President from 2002-2003.
- A Resolution of Recognition was presented to Ms. Susan T. Noble for her outstanding service as a member of the Board of Education from 1998 to 2003 and Vice-President from 2000-2002. Ms. Noble was unable to attend the meeting.

CONSENT AGENDA

Mr. Goodman made a motion to accept the following consent agenda. The motion was seconded by Mrs. Rogers and carried unanimously.

- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Financial Report on Literary Fund
- First Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate Revisions to the Regulations Governing Reporting Acts of Violence and Substance Abuse in Schools (8 VAC 20-560-10)

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation to approve one application in the amount of \$725,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*, was accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Patrick County	Blue Ridge Elementary	\$725,000.00
	TOTAL	\$725,000.00

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education’s recommendation that funding for one project in the amount of \$725,000 be deferred and the project placed on the First Priority Waiting List, subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*, was accepted by the Board of Education’s vote on the consent agenda.

First Priority Waiting List

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Patrick County	Blue Ridge Elementary	\$725,000.00
	TOTAL	\$725,000.00

Final Review of Financial Report on Literary Fund

The Department of Education’s recommendation to approve the financial report on the status of the Literary Fund as of June 30, 2003, was accepted by the Board of Education’s vote on the consent agenda.

First Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate Revisions to the Regulations Governing Reporting Acts of Violence and Substance Abuse in Schools (8 VAC 20-560-10)

The Department of Education’s recommendation that the Board waive first review and authorize the Department to publish the Notice of Intended Regulatory Action and to proceed with revising the regulations according to the Administrative Process Act, was accepted by the Board of Education’s vote on the consent agenda.

ACTION ITEMS

Final Review of Process to Add Supplementary Education Schools Accredited by the Commission on International and Trans-Regional Accreditation, Southern Association of Colleges and Schools (SACS) to the Board-Approved List of Supplementary Services Providers under The No Child Left Behind Act of 2001

Mr. Charles Finley, assistant superintendent for educational accountability, presented this item. Mr. Finley stated that the *No Child Left Behind Act of 2001* (NCLB) requires Title I schools that do not meet the state’s Adequate Yearly Progress (AYP) targets for three consecutive years in the same area to offer a choice of supplemental educational services to parents of eligible children. Mr. Finley said the *No Child Left Behind Act of 2001*, also requires states to identify and maintain a list of supplemental educational service providers. Supplemental educational services are tutoring and academic enrichment services that are provided in addition to daily instruction.

Mr. Finley said the Southern Association of Colleges and Universities (SACS) requested the Board of Education and the Superintendent of Public Instruction consider a process by which the Supplemental Education Schools accredited by SACS could become Virginia-recommended supplemental educational services providers under the *No Child Left Behind Act of 2001*. The Office of Program Administration and Accountability compared the Supplemental Education School accreditation criteria developed by SACS and the supplemental educational services provider criteria outlined in the legislation and adopted by the Board of Education. Findings indicate a significant match between the two sets of criteria. Mr. Finley's report included a summary chart showing the congruence between the descriptors that detailed the Board of Education criteria and the Supplementary Education School accreditation criteria developed by SACS.

Mr. Goodman made a motion to approve the process of adopting future Supplementary Education Schools that are accredited by SACS as approved supplemental educational services providers under the *No Child Left Behind Act of 2001*, at the request of the provider. The motion was seconded by Mrs. Rogers, and it carried unanimously.

First Review of Nominations for Appointment to the State Special Education Advisory Committee

Mr. Douglas Cox, assistant superintendent for student services, presented this item. Mr. Cox said the Individuals with Disabilities Education Act (IDEA) requires the establishment of the committee to advise the State Education Agency on the education of children with disabilities.

The committee membership consists of the following: parents of children with disabilities; individuals with disabilities; teachers, representatives of institutions of higher education that prepare special education and related services personnel; state and local education officials; administrators of programs for children with disabilities; representatives of other state agencies involved in the financing or delivery of related services to children with disabilities; a representative of private schools and public schools; representatives of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and representatives from the state's juvenile justice system.

Mrs. Genovese made a motion that the Board waive first review and appoint Ms. Stacie A. Ellis, Spotsylvania, Virginia, to a four-year term on the State Special Education Advisory Committee. Mr. Goodman seconded the motion and it carried unanimously.

First Review of the Proposed Standards for School Counseling Programs in Virginia Public Schools

This item was presented by Dr. Sylinda Gilchrist, school counseling specialist. Dr. Gilchrist said that under the leadership of the Board of Education and the Department of Education, a team of school counselors was convened to prepare revised *Standards for*

School Counseling Programs in Virginia Public Schools. Mrs. Genovese worked with the writing team to develop the revised standards.

Dr. Gilchrist said the *Standards for School Counseling Programs in Virginia Public Schools* are arranged in three domains—academic development, career development, and personal/social development and in four grade groups—K-3, Grades 4 -5, Grades 6-8, and Grades 9-12.

Mr. Goodman made a motion to accept the proposed *Standards for School Counseling Programs in Virginia Public Schools* for first review and authorize the Department of Education to arrange for public comment.

First Review of Board of Education Meeting Dates for 2004

The Board of Education traditionally reviews its meeting schedule in September of the previous year. This timeline permits members the advance planning time needed to adjust their calendars to accommodate the meeting dates. This timeline also permits staff to make the necessary arrangements for meeting facilities.

The Board does not meet in August or December, except as determined necessary by the President. The proposed meeting dates take into consideration the religious and secular holidays celebrated on or around the proposed meeting dates. Unless otherwise announced by the President, all Board of Education meetings in 2004 will be held in Richmond.

Mr. Jackson said that in previous years the Board has traditionally had a three-day retreat in April to discuss issues, such as the Standards of Quality, requiring the Board to meet for three days. Mr. Jackson said the Board will not have this type of issue to discuss at the April 2004 meeting that would necessitate meeting for three days.

Dr. Ward made a motion to adopt the 2004 meeting dates and amend the April meeting dates to April 28-29, 2004. Mrs. Rogers seconded the motion, and it carried unanimously.

The 2004 meeting dates are as follows:

Wednesday, January 7, 2004
Wednesday, February 25, 2004
Wednesday, March 24, 2004
Wednesday-Thursday, April 28-29, 2004
Wednesday, May 26, 2004
Wednesday, June 23, 2004
Wednesday, July 28, 2004
Wednesday, September 22, 2004
Wednesday, October 27, 2004
Wednesday, November 17, 2004

First Review of Additions to the Board-Approved List of Supplemental Educational Services Providers Under the No Child Left Behind Act of 2001

Mrs. Brenda Spencer, specialist, office of program administration and accountability, presented this item. Mrs. Spencer reported that the *No Child Left Behind Act of 2001* requires Title I schools that do not meet the state's Adequate Yearly Progress (AYP) targets for three consecutive years in the same subject area to offer a choice of supplemental educational services to parents of eligible children. Supplemental educational services are tutoring and academic enrichment services that are provided in addition to daily instruction and outside the regular school day.

Mrs. Spencer said the Board approved the initial list of recommended supplemental educational services providers at its September 2002 meeting, and recommended eight additional companies at its February, May, and July 2003 meetings.

Dr. Ward made a motion to waive first review and add the following supplemental educational services providers to the Board-approved list. Mrs. Rogers seconded the motion, and it carried unanimously.

The supplemental educational service providers are as follows:

PROVIDER	FOCUS AREA AND GRADE LEVEL	SERVICE AREA
Babbage Net School	English/Language Arts Mathematics/(K-12)	All divisions (Web-based)
Compass Learning, Inc.	Reading/Language Arts Mathematics/(K-8)	All divisions (Web-based)

First Review of Revision to Board-Approved Guidance on Public School Choice Under the No Child Left Behind Act of 2001

Mrs. Spencer also presented this topic. Mrs. Spencer said the Board-approved guidance on public school choice that was adopted in July 2002 was written based on the best interpretive information available at the time. Since the inception of the law, clarifications have been numerous. Under Section 1116 (b)(E), the *No Child Left Behind* legislation requires all students in either a Title I Schoolwide Program School or a Title I Targeted Assistance School, if identified for improvement, to be afforded the opportunity to transfer to a higher performing school among those designated by the school division.

Mrs. Rogers made a motion to waive first review. Mrs. Genovese seconded the motion and it carried unanimously. Mrs. Genovese made a motion to adopt the revisions to the guidance on public school choice that represents the current status of the *No Child Left Behind Act of 2001*.

The text of the revised Board of Education *Guidelines for the Implementation of the No Child Left Behind Public School Choice Requirements* follows:

**PROPOSED REVISED GUIDELINES
VIRGINIA BOARD OF EDUCATION GUIDELINES
FOR THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND
PUBLIC SCHOOL CHOICE REQUIREMENTS**

The *No Child Left Behind Act of 2001* (NCLB) requires school divisions to identify for Title I School Improvement any elementary or secondary school served under Title I that, for two consecutive years, does not make Adequate Yearly Progress (AYP) in the same subject area. These schools are designated as in Year One Title I School Improvement Status and must offer the public school choice option to parents. Title I schools that do not make AYP for three consecutive years in the same subject area must continue to offer public school choice and, additionally, provide supplemental educational services to eligible students. These schools are designated as in Year Two Title I School Improvement Status. The obligation to offer the public school choice option ends when schools have made AYP for two consecutive years in the same subject area in which they were identified for Title I School Improvement.

Specially, no later than the first day of the school year following Title I School Improvement identification, the school division must provide all students enrolled in a Title I Schoolwide Program School and identified students enrolled in or a Title I Targeted Assistance School with the option to transfer to another public school served by the school division, including a public charter school, that has not been identified for Title I School Improvement, unless such an option is prohibited by state law. In providing students the option to transfer to another public school, school divisions must give priority to the lowest achieving students from low-income families.

- The public school choice program shall not discriminate on the basis of race, color, national origin, sex, disability, or age and must be consistent with applicable civil rights commitments.
- The school division is obligated to fund transportation for the student to attend the selected school.
- The obligation of the school division to provide, or to provide for, transportation for the student ends at the close of a school year, if the school division determines that the school from which the student transferred is no longer identified for Title I School Improvement or subject to corrective action or restructuring.
- A school division must permit a student who transferred to another school to remain in that school until the student has completed the highest grade in that school.
- If a school division demonstrates that it cannot provide choice to all students in low-performing schools, the school division must permit as many students as possible to transfer to a school not identified for Title I School Improvement, with priority given to the lowest performing students in the highest poverty schools.
- If all public schools served by the school division to which a student may transfer are identified for Title I School Improvement, corrective action or restructuring, the school division shall, to the extent practicable, establish a cooperative agreement with other school divisions in the area for transfer.
- Effective communication with parents must take place to inform them of the public school choice opportunity.

The following, “USED Office of Elementary and Secondary Education Guidance for Implementation of Public School Choice,” should be helpful as school divisions discuss the NCLB public school requirement option and should be considered a part of the State Board of Education guidelines.

- A school division has the flexibility to determine which schools, among those not identified for improvement, will comprise the schools to which students may transfer.
- A school division that has established an open enrollment policy may be found to meet the choice requirement, after examination of the policy by the state.
- The funding set aside for public school choice and supplemental educational services is an amount equal to 20 percent of the Title I, Part A, allocation. Collaborative funding may be used.
- School divisions should consider offering supplemental education services or other choices in curriculum or instruction such as distance learning when choice is not possible.

**Virginia Demonstration of “Best Effort” Procedures
for Implementation of Public School Choice**

A school division must demonstrate that it has conducted an exhaustive effort to meet the public school choice requirements of the *No Child Left Behind Act of 2001*. School divisions are expected to:

- Identify the highest poverty schools in “Title I School Improvement” status.
- Identify and prioritize the lowest performing students in those schools to whom public school choice is to be offered.
- Identify potential receiving schools, including available charter schools, closest in proximity to the schools in “Title I School Improvement” status.
- Explore scheduling alternatives, staffing alternatives, and space availability options at potential receiving schools.
- Explore the feasibility of developing a charter school.
- If providing choice within the school division is not possible after completing these procedures, contact school divisions in the area to establish a cooperative agreement for student transfer.
- Document requests and responses from local school boards regarding acceptance of qualified students.

First Review of Process for Determining Adequate Yearly Progress for “Small n Schools” Under the No Child Left Behind Act of 2001

Mrs. Shelley Loving-Ryder, assistant superintendent for assessment and reporting, presented this item. Mrs. Loving-Ryder explained that under the accountability provisions in the *No Child Left Behind Act of 2001*, all public schools, school divisions, and the state are evaluated for Adequate Yearly Progress (AYP). Specifically, for a school, school division, or the state to make AYP, all subgroups of students must make AYP.

Mrs. Loving-Ryder said the NCLB legislation allows states to establish alternate means for determining the Adequate Yearly Progress of schools with small populations in the tested grades or courses. These schools are called “small n schools.” The United States Department of Education has approved Virginia’s use of 50 as the minimum number of students for which AYP status can be reliably determined using the criteria required in the law.

Mr. Emblidge made a motion to waive first review. The motion was seconded by Mrs. Rogers and carried unanimously. Mrs. Genovese made a motion to adopt the “body of evidence process” for determining AYP status for schools having fewer than 50 students enrolled in tested grades or courses. The motion was seconded by Mrs. Rogers and carried unanimously.

Following is the process and requirements, as adopted, for determining AYP status for “small n schools:”

Determination of AYP for “Small n Schools”

Schools having fewer than 50 students enrolled in tested grades or courses will have their AYP status determined by a body of evidence designated by the division superintendent. For each of these schools, division superintendents will select one (1) item from each of the following three categories for review by a Virginia Department of Education committee.

Reading/Language Arts

- Student pass rates on the SOL tests in English for the last three (3) years
- Stanford 9 results (reading scores)
- PALS results (pre- and post-intervention test scores)
- Other (Verifiable data that will be chosen by the school.)

Mathematics

- Student pass rates on the SOL tests in mathematics for the last three (3) years
- Stanford 9 results (mathematics scores)
- Other (Verifiable data that will be chosen by the school.)

Other Indicator

- Student pass rates on the SOL science test for the current year
- Student pass rates on the SOL science test for the last three (3) years
- Student pass rates on the SOL history/social sciences test for the current year
- Student pass rates on the SOL history/social sciences test for the last three (3) years
- Most current attendance rate
- Most current graduation rate
- Other (Verifiable data that will be chosen by the school.)

Division superintendents have 10 business days from the receipt of this notice to inform the Virginia Department of Education of the evidence to be used in determining AYP. School divisions do not need to submit any documentation unless the “other” option in any category is selected. The designated or submitted evidence will be reviewed for the purpose of determining the AYP status for the school.

If the certification form identifying the evidence to be considered is not received within 10 business days, the AYP designation for the school will be determined based on Standards of Learning pass rates in English and mathematics for the last three years and on attendance and graduation, as appropriate.

First Review of a Request from Grayson County Public Schools Concerning a Literary Fund Loan

Mr. Jackson presented this item. He explained that the Grayson County Public Schools submitted a Literary Fund application to remove mold from the Fries Middle School. Mr. Jackson further explained that the State Health Department instructed Grayson County to clean the building before allowing students and teachers to utilize the facility. Professional Service Industries, Inc. was employed to assess the situation and the results were presented to the Health Department for guidance. The Grayson County School Board does not have funds readily available to fund the project.

Section 8 VAC 20-100-200 of the “Regulations Governing Literary Fund Applications in Virginia,” states:

"The board may place an individual application ahead of its position assigned by 8 VAC 20-100-180, if the board finds that the best interest for the education in the state is served by such placement. Reasons for such placement may include, but are not limited to (i) asbestos containment or removal, (ii) natural disasters, (iii) unique circumstances that may be detrimental to education in the absence of a Literary Fund loan. Such placement shall be acted on by the board on an individual application basis when all requirements for release of a Literary Fund loan have been met by the school division."

Mr. Goodman made the following motion: That the Board of Education consider the request from Grayson County Public Schools to be an emergency and waive first review to approve the request for a Literary Fund Loan to fund the removal of mold at the Fries Middle School and that the project be given the second priority placement after Smyth County's emergency placement on the First Priority Waiting List. This placement will be contingent upon approval by the Office of the Attorney General and completion by Grayson County Public Schools of the remainder of the elements required to be placed on the First Priority Waiting List.

Dr. Ward made a motion to second the motion, and it was carried unanimously.

Mr. Jackson stated that upon this approval of the request by the Board of Education, Grayson County Public Schools can now proceed with this project and is eligible to participate in the interest rate subsidy sale to be offered this fall by the Virginia Public School Authority. He further said that Grayson County is in the process of obtaining title to the property. Once the title has been obtained and they have submitted their plans and specifications, the project for Fries Middle School will be placed as Number 2 on the First Priority Waiting List.

REPORTS

Appointment of a Joint Committee of the Board of Education and the Board of Health to Study Feasibility of Developing Education Curriculum for Proper Nutrition and Exercise for Students in Kindergarten through Graded 12

Mr. Jackson presented this item. Mr. Jackson said in cooperation with the Virginia Board of Health, the Board of Education will participate in a joint committee to study the feasibility of developing an education curriculum for proper nutrition and exercise for students in Kindergarten through Grade 12. The Board of Health recently designated members to serve on the joint committee. Mr. Jackson appointed Mrs. Susan Genovese and Mr. Thomas Johnson to serve on this committee.

The Board will receive periodic updates of the joint committee's work, as requested. When the committee completes its work, the Board will receive a final report and recommendations for further action by the respective boards.

Appointment of the Board of Education Committee to Study Low-Performing School Systems

Mr. Jackson also presented this item and appointed the following members to serve on a committee to study strategies and programs that have the potential to help school systems in Virginia serve their schools and students in effective and efficient ways: Mr. Emblidge, Mr. David Johnson, Mrs. Rogers, and Dr. Jones. Mr. Emblidge will chair the committee.

The Board will receive periodic updates of the joint committee's work, as requested. When the committee completes its work, the Board will receive a final report and recommendations for further action.

Appointment of Dr. Ward to the Advisory Committee on Teacher Education and Licensure

Mr. Jackson also announced that Dr. Ward will be the Board's representative on the Advisory Board on Teacher Education and Licensure (ABTEL).

Status Report on Virginia's Implementation of Accountability Provisions Under the No Child Left Behind Act of 2001

Dr. Patricia Wright, assistant superintendent for instruction, presented this item. Dr. Wright's report to the Board described the status of Virginia's implementation of the accountability provisions under the *No Child Left Behind Act of 2001*, including communications with the U.S. Department of Education (USED) officials regarding technical amendments to the Consolidated State Application Accountability Workbook and baseline data submitted in the September 1, 2003, report to USED.

Dr. Wright reported that in January 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. Federal guidance at the time indicated that final state policies must be submitted to the USED by May 1, 2003. At its April 2003 meeting, the Board of Education approved the revisions to the Consolidated State Application Accountability Workbook and approved the May 1, 2003, submission of AYP-related baseline data and state performance targets.

The USED conditionally approved Virginia's Consolidated State Application Accountability Workbook, as amended under protest on June 9, 2003. The June 9 amendments related to testing policies in effect for 2002-2003 and the formula for determining Adequate Yearly Progress (AYP) in 2002-2003 for certain students with limited English proficiency and students with disabilities. In a letter dated July 1, 2003, USED approved Virginia's amended accountability workbook on the condition that certain changes are made in the formula for graduation rate.

In June 2003, the Board of Education approved state policies regarding certain non-AYP related performance goals and targets that were due to USED by September 1, 2003. These state performance targets are related to English language proficiency for limited English proficient (LEP) students, highly qualified teachers and paraprofessionals, persistently dangerous schools, and graduation rate.

The Board accepted the status report on Virginia's implementation of accountability provisions under the *No Child Left Behind Act of 2001*. Mr. Jackson thanked Dr. Wright and the staff for their work on the NCLB compliance policies and procedures.

PUBLIC COMMENT

The following persons spoke during public comment:

Jean Bankos
Roxanne Grossman
Katie Moffit
Sally Revenson

DISCUSSION OF CURRENT ISSUES

There was no discussion of current issues.

ADJOURNMENT

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

President

Secretary