

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

October 28, 2004

The Board of Education and the Board of Career and Technical Education met in Conference Rooms C and D at the James Monroe State Office Building, Richmond, Virginia, with the following members present:

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| Mr. Thomas M. Jackson, Jr. President | Dr. Gary L. Jones |
| Mrs. Isis M. Castro | Mrs. Eleanor B. Saslaw |
| Mr. M. Scott Goodman | Dr. Ella P. Ward |
| Mr. David L. Johnson | |
| Mr. Thomas G. Johnson, Jr. | Dr. Jo Lynne DeMary, Superintendent of Public Instruction |

Mr. Jackson, President, presided and called the meeting to order at 9 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

Dr. Jones made a motion to approve the minutes of the September 22, 2004, meeting of the Board. Dr. Ward seconded the motion that carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

RESOLUTIONS/RECOGNITIONS

A Resolution of Recognition was presented to Miss Anna Blackburn, a sixth grader from Williamsburg, who is the recipient of the 2003-2004 Nicholas Green Distinguished Student National Award.

A Resolution of Recognition was presented in recognition of Virginia Naturally Exemplary Schools Program. The resolution was presented to Mrs. Susan Gilley, wildlife education coordinator for the Virginia Department of Game and Inland Fisheries, who serves as the program's chairperson.

PUBLIC COMMENT

No one spoke during public comment.

ACTION DISCUSSION ON BOARD OF EDUCATION REGULATIONS

First Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions (HB 978)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott stated that Chapter 917, 2004 Acts of Assembly, directs the state Board of Education to promulgate regulations providing for a process where school divisions may submit proposals for consolidation. A new regulation must be promulgated to comply with the terms of Chapter 917.

Dr. Jones made a motion to waive first review and authorized the Department of Education staff to proceed with the requirements of the Administrative Process Act regarding the Notice of Intended Regulatory Action for promulgating regulations.

Second Review of Emergency Regulations for Conducting Division-Level Academic Reviews (8 VAC 20-700-10 et seq.)

Mrs. Wescott also presented this item. Mrs. Wescott said that the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* in 8 VAC 20-131-300.C.4. require a school to be “Accredited with Warning (in specified academic area or areas)” if its pass rate on any SOL test does not meet required benchmarks to qualify for any other accreditation rating. Any school rated Accredited with Warning must undergo an academic review in accordance with guidelines adopted by the Board of Education in accordance with 8 VAC 20-131-340.A of the regulations.

The Board of Education approved emergency regulations at the September 22, 2004, meeting. Presented today are additional revisions that were recommended by the Office of the Attorney General.

Mrs. Wescott said that emergency regulations are needed to ensure that the conducting of Division-Level Academic Reviews begins as close to the beginning of the 2004-2005 school year as is practicable.

Mr. Goodman made a motion to waive first review and approve the Emergency Regulations for Conducting Division-Level Academic Reviews and authorized staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act.

The text of the Emergency Regulations Governing Division-Level Academic Reviews approved by the Board is as follows:

8VAC20-700-10. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Board” means the Virginia Board of Education.

“Department” means the Virginia Department of Education.

“Division-level Academic Review” means the process used to analyze a school division’s systems and practices to determine the degree to which the local school board is meeting its responsibilities under the Standards of Quality.

“External review” means a school division-level academic review conducted by an organization or agency at the request of a local school board.

8VAC20-700-20. Criteria for Selection for Review.

The Board of Education shall consider the following criteria in selecting school divisions for division level academic reviews.

1. The school division’s accountability determination (improvement status) for student achievement, as required in federal law.
2. The percentage of students attending schools accredited with warning in the division exceeds the statewide average.
3. School academic review findings in the division report the failure of the division’s schools to reach full accreditation is related to the school board’s noncompliance with the Standards of Quality.

8VAC20-700-30. Structure of the Review.

- A. All division-level academic reviews shall be conducted in accordance with procedures adopted by the Board. These procedures may include, but are not limited to:
 1. Initial visits, onsite-reviews, and follow-up visits made by an academic review team selected by the Department.
 2. Academic review teams will hold introductory meetings with local school boards, conduct interviews, review documents and self-studies and observe operational practices.
 3. Teams will collect and analyze data related to compliance with the Standards of Quality, related Board regulations, and federal program requirements, and use these data to prepare reports to the Board.
 4. Reports of academic review findings shall be given to the division superintendent, chair of the local school board and to the Board of Education.
- B. The Board may authorize the Department of Education to contract for the provision of services to assist in performing division-level academic reviews.

8VAC20-700-40. Division Improvement Plans and Corrective Actions.

- A. School divisions shall develop division improvement plans, including corrective actions for increasing student achievement and correcting any areas of noncompliance determined through the division-level academic review. These plans shall be approved by the local school board and submitted to the Board of Education for approval within 60 business days of the issuance of the division-level academic review report. Upon Board approval, the division improvement plan and corrective actions shall become part of the division’s plan required in the Standards of Quality.
- B. The division superintendent and chair of the local school board may request an extension of the due date for the division improvement plan and corrective actions for good cause shown by appearing before the Board of Education to explain the rationale for the request and provide evidence that a delay will not have an adverse impact upon student achievement.
- C. The Board of Education shall monitor the implementation of the division improvement plan and corrective actions developed by a school division as part of the division-level academic review process. This plan must include a schedule for reporting the school division’s progress toward completion of the corrective actions to the Board. Any school division not implementing corrective actions, not correcting areas of noncompliance, or failing to develop, submit, and implement required plans and status reports shall be required to report its lack of action directly to the Board of Education.

- D. Areas of noncompliance that remain uncorrected shall be reported in the Board of Education's Annual Report to the Governor and General Assembly on the Condition and Needs of Public Schools in Virginia. The Board may take additional action as permitted by the Standards of Quality.

8VAC20-700-50. External Reviews.

- A. The Board may accept a school division-level review conducted by an organization or agency upon the request of a local school board if the review meets or exceeds the requirements for reviews conducted by the Department as prescribed in 8VAC20-700-30. Agencies that conduct these reviews must employ individuals whose qualifications meet or exceed those of individuals who serve as Department representatives for the purpose of conducting academic reviews. The Board shall monitor the implementation of any required corrective actions developed by the school division as prescribed in 8VAC20-700-40.
- B. Requests for approval of an external review process submitted to the Board must include, at a minimum, the following documentation:
1. A description of the organization or agency that will conduct the review;
 2. The scope and dates of the review;
 3. Qualifications of the individuals who will conduct the review;
 4. Certification from the chairman of the local school board and division superintendent that the review will meet or exceed the requirements for academic reviews adopted by the Board.

Upon completion of the external review process, the division superintendent shall submit a copy of the final report provided by the reviewer to the Department of Education, and comply with the required follow-up activities in accordance with 8VAC20-700-40.

Final Review of Proposed Technical Revisions to the Regulations Governing Procedures for Adjusting Grievances of School Personnel (8 VAC 20-90-10 et seq.)

Dr. Thomas Elliott, assistant superintendent for teacher education and licensure, presented this item. Dr. Elliott said that the Virginia Board of Education regulations, the Procedure for Adjusting Grievances (8 VAC 20-90-10 et seq.), have been reviewed and based on this review, revisions are needed to align the regulations with changes in the Code of Virginia. Dr. Elliott said that all revisions, except for a few citation references, are exact language changes from the Code.

Dr. Elliott said that the changes were made to align the regulations with the Code of Virginia; therefore, the regulations should be exempted from the public participation process of the Administrative Process Act. Dr. Elliott added that the Code of Virginia requires that the Board of Education prescribe forms used in the grievance procedure. The forms are not incorporated in the regulations; however, the "Notification: Notice of Proposed Dismissal or Proposed Placing on Probation" form needs revision requiring approval by the board.

Mrs. Saslaw made a motion to accept the proposed Regulations Governing Procedures for Adjusting Grievances of School Personnel for final review. Dr. Ward seconded the motion and it carried unanimously. The regulations will be submitted to the Attorney General's office for authorization. Following receipt of the authorization, the regulations will be submitted to the Registrar's Office for publication.

ACTION/DISCUSSION ITEMS

First Review of Textbooks and Instructional Materials for State Adoption in Mathematics, English and Literature, and Foreign Language

Dr. Beverly Thurston, coordinator for history and social sciences and textbook adoption in the office of middle instructional services, presented this item. Dr. Thurston said that the Board of Education's authority for approving textbooks and other instructional materials is prescribed in the Virginia Constitution and in the *Code of Virginia*. The Board of Education's Regulations Governing Textbook Adoption 8 VAC 20-220-30) specifies the types of materials that may be adopted.

Dr. Thurston said that in June 2004, committees of Virginia educators received K-12 mathematics, English and literature, and foreign language textbooks and Standards of Learning textbook correlations from publishers. Members of these committees conducted individual analyses of the materials prior to meeting with the full committee. In July 2004, the committees convened in Richmond to reach consensus on their reviews of the submitted materials. The consensus evaluations were shared with publishers, and publishers were given an opportunity to respond to the committees' reviews and recommendations. Requests by publishers for reconsideration were examined carefully prior to the list being submitted to the Board of Education for first review.

Mrs. Castro made a motion to accept for first review the list of textbooks and instructional materials recommended for state adoption. Dr. Ward seconded the motion and it carried unanimously.

A 30-day public comment period will be announced. Mathematics textbook and instructional materials may be reviewed at any of the following nine sites: The College of William and Mary, University of Mary Washington, George Mason University, James Madison University, Radford University, The University of Virginia's College at Wise, Longwood University, Old Dominion University, and the Department of Education. The recommended list will be presented to the Board of Education on January 12, 2005, for final review.

First Review of Additions to the Board-Approved List of Instructional Models/Programs that Include Instructional Methods to Satisfy Provisions in Regulations Establishing Accrediting Standards for Public Schools in Virginia

Mrs. Maureen Hajar, director of secondary instruction, presented this item. Mrs. Hajar said that at the January 6, 2003, Board of Education meeting, revisions to the criteria for identifying and selecting models/programs that include instructional methods as provided in 8 VAC 20-131-310 B-E were approved. The revisions are based on the *No Child Left Behind Act of 2001 (NCLB)* emphasis on the use of scientifically-based research as a criterion for evaluating programs, particularly those programs purchased with federal funds

Mrs. Hajar said that the Board of Education established that there would be a quarterly review of instructional models/programs to satisfy the provisions of the *Regulations Establishing Accrediting Standards for Public Schools in Virginia*.

Dr. Ward made a motion to waive first review and approve the additions to the list of Board-approved instructional models/programs. Mrs. Saslaw seconded the motion, and it carried unanimously. The additions to the list of board-approved instructional models/programs include the following:

| Proposed Additions | | | |
|---|-------------|---------------|------|
| Virginia Board of Education Approved Models/Programs that Include Instructional Methods that have Proven to be Successful with Low-Achieving Students | | | |
| Mathematics | | | |
| Model/Program | K-3 | 4-8 | 9-12 |
| Supplemental/Intervention: | | | |
| Math Buddies | X (Grade 3) | X (Grade 4-5) | |
| English/Reading | | | |
| Model/Program | K-3 | 4-8 | 9-12 |
| Supplemental/Intervention: | | | |
| Mondo Publishing: Bookshop | X | | |

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

Ms. Brenda Spencer, Title I coordinator, presented this item. Mrs. Spencer said 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 subject area to offer a choice of supplemental educational services to parents of eligible children. Virginia has schools that are offering or are continuing to offer supplemental educational services during the 2004-2005 school year. These services must be offered to eligible students until the identified schools exit Title I School Improvement.

Mrs. Spencer said that the Board of Education at its September 2002 meeting, approved the initial list of recommended supplemental educational services providers and recommended revisions to the list in subsequent meeting. The initial list includes the following:

| PROVIDER | FOCUS AREA AND GRADE LEVEL | SERVICE AREA |
|---|---|---|
| Boys and Girls Clubs of Metro Richmond in partnership with Compass Learning, Inc. | Mathematics Reading/Language Arts (K-8) | Chesterfield Hanover Henrico Hopewell Petersburg Richmond City |
| Camelot Learning | Mathematics (3-6) | All divisions |
| KidBiz3000 | Reading All divisions (K-12) | |
| Porter Education and Communications, Inc. | Mathematics Reading (K-12) | Petersburg Portsmouth Norfolk Richmond City Virginia Beach |
| Science Museum of Virginia | Mathematics (PreK-2) | All divisions |

Dr. Jones made a motion to waive first review and add the five providers to the Board-approved list. Dr. Ward seconded the motion and it carried unanimously. The additional supplemental education services providers includes the following:

ADDITIONAL SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS
Recommended: October 28, 2004

| Name of Provider | Contact Information | Focus Area and Grade Levels | School Divisions Provider Can Serve (or service areas) |
|---|---|---|--|
| Boys and Girls Clubs of Metro Richmond in partnership with Compass Learning, Inc. 2601 W. Broad Street, Fl. Richmond, VA 23220-1930 | Floyd A. Johnson, President/CEO phone: 804-359-5250 Ext. 224 fax: 804-353-5750 e-mail: fjohnson@bgcmr.org Web site: www.bgcmr.org | Mathematics Reading/ Language Arts (K-8) | Chesterfield Hanover Henrico Hopewell Petersburg Richmond City |
| Camelot Learning 407 West Pennsylvania Ave. Towson, MD 21204 | Donna Flynn, Executive Director phone: 410-825-2955 800-214-2404 fax: 410-825-6304 e-mail: dflynn@camelotlearning.com Web site: www.camelotlearning.com | Mathematics (3-6) | <u>All divisions</u> |

| | | | |
|--|---|----------------------------------|--|
| KidBiz3000 1091 River Avenue Suite L Lakewood, NJ 08701 | Stephanie Fallon phone: 888-968-6822 Ext.124 fax: 732-367-2313 e-mail: Stephanie.fallon@Achieve3000.com Web site: www.achieve3000.com | Reading (K-12) | All divisions |
| Porter Education and Communications, Inc. 8181 Professional Place Suite 240 Landover, MD 20785 | Al Porter phone: 301-577-5505 fax: 301-577-8926 e-mail: Aporter@portereducational.com Web site: www.portereducational.com | Mathematics Reading (K-12) | Petersburg Portsmouth Norfolk Richmond City Virginia Beach |
| Science Museum of Virginia 2500 West Broad Street Richmond, VA 23220 | Dr. Patricia D. Fishback Director of Science Education phone: 804-864-1410 fax: 804-864-1560 e-mail: pfishback@smv.org Web site: SMV.org | Mathematics (PreK-2) | All divisions |

Final Review of Sanctions/Corrective Actions for School Divisions In Improvement, as Required by the No Child Left Behind Act of 2001

Dr. Patricia Wright, deputy superintendent, presented this item. Dr. Wright said that the *No Child Left Behind Act of 2001* (NCLB) requires states to establish an accountability system for schools, school divisions, and the state. As part of the accountability system, states must have sanctions and corrective actions for school divisions that do not make AYP for two consecutive years or more as defined in their Consolidated State Application Accountability Workbook.

Virginia's Accountability Workbook, approved by the U.S. Department of Education (USED), describes a single statewide accountability system and outlines the steps that Virginia will follow to implement this requirement of NCLB. The AYP accountability determinations for the 2004-2005 school year (based on 2003-2004 data) have resulted in the identification of certain school divisions in improvement status. School divisions that are in improvement status are subject to sanctions and/or corrective actions.

Dr. Jones made a motion to approve the guidelines for sanctions/corrective actions for school divisions in improvement status, as required by the *No Child Left Behind Act of 2001*. Mr. Goodman seconded the motion and it carried unanimously.

The Department of Education will distribute the guidelines to school divisions and implement procedures for coordinating technical assistance and compliance monitoring as part of a single statewide system of support.

**Guidelines for Sanctions/Corrective Actions
for Virginia School Divisions in Improvement Status as Required by the
*No Child Left Behind Act of 2001***

Authority

NCLB Section 1116(c)(1) and Section 200.50(a) of the Title I regulations require the state education agency (state) to annually review the progress of each local education agency (LEA) that receives funding under Title I, Part A, to determine if (a) its Title I schools are making adequate yearly progress (AYP), and (b) the LEA (school division) is carrying out its responsibilities with respect to school improvement, technical assistance, parental involvement, and professional development. NCLB Section 1116(c) is silent on sanctions/corrective actions for school divisions not receiving Title I funding that fail to make AYP for two consecutive years. Guidance from the U.S. Department of Education (USED) suggests that sanctions may be required for such school divisions.

NCLB Section 1116(c)(3) and Section 200.50(d)(1) of the Title I regulations require the state to identify for improvement a school division that, for two consecutive years fails to make AYP as described in the state's approved Consolidated State Application Accountability Workbook.

Not later than three months after the state has identified a school division for improvement the LEA must develop or revise a division improvement plan that includes components required in NCLB Section 1116(c)(7) and Section 200.52(a)(3) of the Title I regulations. The plan must also specify the fiscal responsibilities of the school division as required in Section 1116(c)(7)(A) and Section 200.52 of the federal regulations.

NCLB Section 1116(c)(10) and Section 200.53 of the Title I regulations require the state to take corrective action with respect to any LEA that is in division improvement status if the division fails to make AYP, as defined in the Consolidated State Application Accountability Workbook, by the end of Year 2 division in improvement status. The state may take corrective actions, including those allowable under NCLB, during the first year a school division receiving Title I funding is identified for improvement. The purpose and types of corrective actions the state must take against school divisions is defined in the federal law and regulations.

In accordance with NCLB Section 1116(c)(11) and Section 200.50(h) of the Title I regulations, any Virginia school division that makes AYP for two consecutive years in the content area(s) that caused it to be identified for improvement, regardless of whether or not it receives Title I funding, will no longer be subject to sanctions/corrective actions or identified for improvement.

Implementing Sanctions/Corrective Actions

Identification of Division in Improvement Status A Virginia school division receiving Title I funding will be identified in improvement status consistent with policies approved by the U.S. Department of Education (USED) and defined in the Virginia Consolidated State Application Accountability Workbook. The school division will be identified for improvement if it does not make adequate yearly progress (AYP) for two (2) consecutive years in the same content area. Chart 1 attached describes the identification process of Virginia school divisions in improvement status.

Division in Improvement Plan

Any school division receiving Title I funding that does not make AYP for two consecutive years in the same content area will be required to develop within 90 calendar days of notification, a division improvement plan deemed to be part of the plan required by the *Standards of Quality*. The Department of Education may, on behalf of the Board of Education, review such plans. The school division must monitor plan implementation and may be required to report the status of implementation of the division improvement plan to the Department of Education by October 1 of each year, for as long as the division remains in improvement status. A review of the implementation of the improvement plan may be included

in the academic review and federal program monitoring processes coordinated at the division and school levels. The Department of Education will report such statuses to the Board.

The purpose of the improvement plan is to improve student achievement throughout the school division. Therefore, the plan overall must identify actions that, if implemented, have the greatest likelihood of accomplishing this goal.

Specifically, the plan must:

- Address the fundamental teaching and learning needs of schools in the division, especially the academic problems of low-achieving students;
- Define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the state's definition of AYP;
- Incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic subjects;
- Include, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year;
- Provide for high-quality professional development for instructional staff that focuses primarily on improved instruction;
- Include strategies to promote effective parental involvement in the schools served by the division; and
- Include a determination of why the division's previous plan did not bring about increased student academic achievement.

The plan must also specify the fiscal responsibilities of the school division as required in NCLB Section 1116(c)(7)(A) and Section 200.52 of the Title I regulations. School divisions must certify to the Department of Education that it has reviewed and amended its budget and plan submitted as part of the Title I application for the current school year to ensure correlation with the division improvement and/or corrective action plan.

The division must implement its improvement plan no later than the beginning of the school year immediately following the year in which the assessments were administered that resulted in the division's identification for improvement. For example, if the division does not make AYP in the same content area during the 2002-03 and 2003-04 school years, it will be identified for improvement and enter improvement status beginning with the 2004-2005 school year, at which time it must implement its improvement plan.

Division in Corrective Action

The Board of Education will take corrective action with respect to any school division that is in division improvement status if the division fails to make AYP in the same content area by the end of "Year 2 division in improvement" status. In other words, the state must take corrective action with respect to a school division that enters "Year 3 division in improvement" status (i.e., fails to make AYP in the same content area after four consecutive years). The Board may take corrective actions, including those allowable under NCLB Section 1116(c)(10)(c), during the first year a school division receiving Title I funding is identified in improvement status. In determining whether or not to take corrective actions, the Board will consider the history of progress or lack of progress in the content area in schools in the school division.

Section 1116(c)(10)(c) of the law states:

In the case of a local educational agency identified for corrective action, the State educational agency shall take at least one of the following corrective actions:

- (i) Deferring programmatic funds or reducing administrative funds.
- (ii) Instituting and fully implementing a new curriculum that is based on State and local academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for low-achieving students.

- (iii) Replacing the local educational agency personnel who are relevant to the failure to make adequate yearly progress.
- (iv) Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.
- (v) Appointing, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.
- (vi) Abolishing or restructuring the local educational agency.
- (vii) Authorizing students to transfer from a school operated by the local educational agency to a higher-performing public school operated by another local educational agency in accordance with subsections (b)(1)(E) and (F), and providing to such students transportation (or the costs of transportation) to such schools consistent with subsection (b)(9), in conjunction with carrying out not less than one additional action described under this subparagraph.

Any school division in improvement that does not make AYP in the same content area in subsequent years may be subject to additional sanctions or corrective actions allowable under NCLB. In determining the additional corrective actions, the Board will consider the history of progress or lack of progress in the content area in schools in the school division and any corrective actions the school division may have already taken or intends to take. A school division may request to implement corrective actions that are defined in NCLB Section 1116(c)(10)(c) and are not within the Board of Education's authority to require.

Sanctions: Non-Title I Divisions

Should sanctions be required, any school division in Virginia not receiving Title I funding that does not make AYP in the same content area for two consecutive years will be required to analyze its data and develop a division improvement plan that will be part of the six-year plan required by the *Standards of Quality*. The Department of Education may, on behalf of the Board of Education, review such plans.

Division in Improvement Exit Criteria

Any school division that makes AYP for two consecutive years in the content area(s) that caused it to be identified for improvement, regardless of whether or not it receives Title I funding, will no longer be subject to sanctions/corrective actions or identified for improvement.

First Review of Pupil Transportation Specifications for School Buses

Mr. Daniel Timberlake, assistant superintendent for finance, presented this item. Mr. Timberlake said that the Regulations Governing Pupil Transportation were approved in January 2004. The approved regulations deleted the section on specifications for school buses and made the specifications a separate document. Mr. Timberlake said that this permits the Department of Education to revise and update the bus specifications more frequently than would be permitted under the process for revising regulations.

Mr. Timberlake said that the specifications have been updated and revised to include recent changes in equipment and technology. The changes were developed by the Department's Specifications Committee, which is comprised of pupil transportation representatives from school divisions across the state. None of the changes represent significant deviations from standard industry practices. All of the specifications presented comply with the safety requirements of the National Highway Traffic Safety Administration. Following are the most visible changes:

1. Conventional Type "C" Buses – Historically, Virginia has allowed Type "C" buses with seating configurations up to 64 passengers. These specifications introduce 71 and 77 passenger configurations.

2. Seating Capacity – Last year, Virginia removed the requirement for the manufacturers to submit annual floor plans and seating plans. To clarify our bus seating capacities, section 60 D of the specifications explains seating configurations for both Type “C” and Type “D” buses. This proposed change requires a corresponding change in the seating capacities used in the Bus Type Specifications.

“Type C school buses” are buses with a body constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels. “Type D school buses” are buses with a body constructed utilizing a stripped chassis, and the entrance door is ahead of the front wheels.

Mr. Timberlake said that as part of the process for developing these specifications, the Department posted the proposed specifications on its website for 30 days in order to give school divisions and others the opportunity to review them and offer comments. Only one comment was received from a school bus manufacturer, which requested two changes in the specifications that would have made the manufactured buses more competitive with other manufacturers. The Specifications Committee did not make any changes based on their comments. No other comments were received.

The Board accepted the proposed school bus specifications for first review.

**First Review of an Advisory Board on Teacher Education and Licensure (ABTEL)
Recommendation Supporting a Proposed Cut-Score for the School Leaders Licensure
Assessment (SLLA)**

Dr. Thomas Elliott presented this item. Dr. Elliott said that in June 1999, Educational Testing Service conducted, in cooperation with and on behalf of the Virginia Department of Education, Standard Setting and Content Validation Studies for the *School Leaders Licensure Assessment (SLLA)*.

Dr. Elliott said that the goals of the study were to provide additional evidence regarding the content validity of the assessment and to determine a range of recommended passing scores for the *SLLA*. In addition to providing the passing score recommendations, two panels of experts—separate panels representing principals and central office administrators—also were asked to render a series of judgments attesting to the appropriateness of the *SLLA* for use in Virginia. The results supported the use of the assessment for the licensure of beginning school principals and for central office administrators in Virginia.

In Virginia, an individual may become eligible for an endorsement in administration and supervision preK-12 by completing requirements of the *Licensure Regulations for School Personnel, Effective 1998*. As part of those requirements, an individual must complete either the *SLLA* or a full-time internship as a school principal, assistant principal, or central office staff, or one year of successful, full-time experience on the job.

House Bill 573, Effective July 1, 2004, requires the Board of Education's *Licensure Regulations for School Personnel* to require that on and after July 1, 2005, initial licensure for principals and other school leaders, as may be determined by the board, be contingent upon passage of the *SLLA*. On July 21, 2004, the *SLLA* Score Setting Review Panel convened for the purpose of developing a recommended cut-score for the *SLLA* to be presented to the Board of Education for consideration. The panel was composed of nine practicing school administrators with between two and 10 years of experience, and three representatives of higher education institutions with approved leadership preparation programs. Additionally, panel composition was based on regional representation and ethnic diversity.

The scaled score that a candidate can receive on the *SLLA* ranges from a low of 100 points to a high of 200 points. The recommended passing scaled score values for the principal's panel ranged from 156 to 165 scaled score points. For the central office administrators, the recommended passing score values ranged from 159 to 161 scaled score points.

The score-setting review process included a review and discussion of national performance data and the alignment between Virginia's licensure requirements and the *SLLA*. The national median score for the *SLLA* is 177. Of the nine states currently requiring a passing score, the average passing score is 157. The District of Columbia, Kansas, South Carolina, and Virginia were not included in these data since these states did not require passing scores at the time of data collection.

A report for all examinees taking the *SLLA* in Virginia between January 1, 2000, and January 31, 2004, yielded the following results:

Examinees: 232 Median: 173
High Score: 195 Mean: 172.50
Low Score: 140 St Dev.: 10.40

Panel members were first asked to review independently all materials and respond to the following questions: 1) Considering all the information you have reviewed, what passing score do you recommend for Virginia's assessment purpose; and 2) Briefly describe primary reasons for recommending this score. A group discussion of pre-consensus scores was conducted. Based on this discussion, the panel unanimously recommended a qualifying cut-score of 165 be required in Virginia for passing the *SLLA*.

The Board received for first review ABTEL's recommendations supporting the proposed cut-score of 165 for the *School Leaders Licensure Assessment (SLLA)*, effective July 1, 2005.

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

Mr. Douglas Cox, assistant superintendent for special education and student services, presented this item. Dr. DeMary announced that Mr. Cox was recently

appointed as president for the National Association of State Special Education Directors. The Board congratulated Mr. Cox.

Mr. Cox said that the Individuals with Disabilities Education Act (IDEA) requires the establishment of this advisory committee to advise the State Education Agency on the education of children with disabilities.

Mr. Cox said that the position of a parent representative from Region VII is vacant, and Ms. Suzanne Conroy is recommended for appointment. The term of office is three years, beginning November 1, 2004.

Mr. Cox stated that five members are eligible for reappointment for a second term of three years beginning November 1, 2004. The members are:

Emily Dreyfus – Parent Representing Superintendent’s Region V
Robert Richardson, Jr. – Local Director of Special Education
Shirley Ricks – State Agency Representative
Elizabeth Vincel – Parent representing Superintendent’s Region VI
Michael Wong – Transition/Vocational Education Representative

Mr. Goodman made a motion to waive first review and accept the nominations for appointments and re-appointment to the State Special Education Advisory Committee. Mrs. Saslaw seconded the motion, and it carried unanimously.

Final Review of Response to a Recommendation from the 2003 Student Advisory Committee Regarding Student Diversity

Dr. Cynthia Cave, director of student services, presented this item. Dr. Cave said that during the 2003-04 school year, the Student Advisory Committee of the Board of Education recommended that an award program be developed for schools that make an effort to promote understanding of cultural diversity throughout the school. As a result, the proposed Board of Education’s Leadership in Cultural Diversity Education Award has been developed.

Education about cultural diversity includes, but is not limited to, strategies and programs that promote a school climate that is culturally responsive to all students. Diversity forums, cultural presentations, staff development training, and collaboration between school and community groups are just a few examples of effective approaches.

The proposed Board of Education’s Leadership in Cultural Diversity Education Award would be given to schools and school divisions. Recipients will be presented with a certificate of recognition by the Board of Education for effectively providing educational opportunities that promote an understanding and responsiveness to cultural diversity. Their programs will be highlighted on the Web site of the Virginia Department of Education.

Dr. Jones made a motion to approve establishment of the award program for schools that make an effort to promote understanding of cultural diversity. Mrs. Castro seconded the motion, and it carried unanimously. The Leadership in Cultural Diversity Education Award notification to school divisions will be made through Superintendent's Memorandum and posting on the Department of Education Web site.

Leadership in Cultural Diversity Education Award

Increasingly, Virginia public schools are more diverse, and this trend will continue to grow. The ultimate focus is not about diversity itself, but more about the impact differences have on how students achieve in school. To have a successful culturally pluralistic school community, it is important to promote understanding of the values and beliefs endemic to various cultures.

During the 2003-04 school year, the Student Advisory Committee of the Board of Education recommended to the board that an award program be developed for schools that make an effort to educate students about cultural diversity. Understanding cultural diversity is fundamental to the processes, content, and outcomes of schooling. Subsequently, learning how to interact in a culturally diverse society should start in school.

The Virginia State Board of Education has established a Leadership in Cultural Diversity Education Award for schools and school divisions. Throughout the year, recipients will be presented with a certificate of recognition at Board of Education meetings. The programs that received recognition for promoting an understanding and responsiveness to cultural diversity in Virginia schools will be highlighted on the Web site of the Virginia Department of Education.

Criteria for Selection

- Continuous development of strategies that encourage success for all students
- Sustained activities and programs that promote an atmosphere of inclusiveness for all students
- Ongoing activities that eliminate prejudice
- Development of innovative programs that promote cultural understanding

Education about cultural diversity includes, but is not limited to, strategies and programs that promote a school climate that is culturally responsive to all students. Diversity forums, cultural presentations, staff development training, and collaboration between school and community groups are just a few examples of effective approaches.

How to Nominate

Nominations will be accepted throughout the year. The selection committee, to include representatives from school divisions, the Virginia Department of Education, and a nationally recognized cultural competency trainer/consultant, will meet quarterly to select an award recipient.

Nominations should include:

- Information about the number of students and school(s) affected as well as demographics of the school(s) and the student population
- A description of the program or strategy implemented
- A description of how the program or strategy promotes an understanding of cultural diversity within the school community or promotes a school climate that is culturally responsive to all students
- Contact information for the nominator, including mailing address, telephone number, and e-mail address
- A description of outcomes such as data documenting results, letters of support, publications, and newspaper coverage

First Review of Nominations for Reappointment to the Virginia Advisory Committee for Career and Technical Education

Mr. Robert Almond, director in the office of career and technical education services, presented this item. Mr. Almond said that the Virginia Advisory Committee for Career and Technical Education was established as a standing committee of the board in June 2003. The purpose of the committee is to advise the Board of needs in career and technical education. Members of the advisory committee represent business and industry in each of the seven career and technical education program areas (agricultural education, business and information technology, family and consumer sciences education, health and medical sciences education, marketing, technology education, and trade and industrial education) and professional and educational organizations. The advisory committee meets three times each year.

Mr. Almond presented the following recommendations for reappointment to the Virginia Advisory Committee for Career and Technical Education:

- ✓ Mr. Michael Mills – Reappointment 3-Year Term (November 2007)
Corporate Distribution Manager, American Woodmark Corporation,
Winchester, Virginia 22604
- ✓ Mr. Craig Balzer – Reappointment 3-Year Term (November 2007)
Principal, Balzer and Associates, Inc., Roanoke, Virginia 24018
- ✓ Mrs. Judith Sorrell – Reappointment 3-Year Term (November 2007)
Director, Shenandoah Valley Regional Program, Fishersville, Virginia 22939
- ✓ Mr. Toney Rigali – Reappointment 3-Year Term (November 2007)
Lead Organizer, Virginia Pipe Trades Association, Richmond, Virginia 23236

Mrs. Castro made a motion to waive first review and accept the nominations as presented. Mr. Goodman seconded the motion, and it carried unanimously.

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

Dr. James Heywood, executive director for school improvement, presented this item. Dr. Heywood said that §22.1-199.2.B. of the Code of Virginia (*Code*) requires the Board of Education to collect, compile and analyze data required to be 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 annually, beginning on December 1, 2000.

During the discussion, it was noted that the cost of the program(s) for remedial summer school in 2003 was \$408 per pupil and the cost of the program for remedial programs in 2003-2004 was \$213 per pupil.

Dr. Jones made a motion to waive first review and submit the Annual Report for State-Funded Remedial Programs to the Governor and General Assembly as required by 22.1-199.2.B. of the Code. Mr. Thomas Johnson seconded the motion, and it carried unanimously.

First Review of the Board of Education's 2004 Annual Report on the Condition and Needs of the Public Schools in Virginia

Mrs. Anne Wescott presented this item. Mrs. Wescott said that the Virginia Code sets forth the requirement for the Board of Education to submit an annual report on the condition and needs of the public schools in Virginia.

Mrs. Wescott presented to the Board a working draft of the *2004 Annual Report on the Condition and Needs of Public Schools in Virginia*. Mrs. Wescott said that several key data points are not yet available; however, it is anticipated that all necessary data will be available to incorporate into the report prior to the Board's final review at the November 17th meeting.

The Board received the draft report for first review. Data will be added to the report, and the updated document will be presented to the Board of Education for final review and adoption at the November 17, 2004, meeting. Following the Board's final adoption, the report will be transmitted to the Governor and the General Assembly as required by the Code of Virginia.

First Review of the 2004 Annual Report on Regional Alternative Education Programs

Mrs. Diane Jay, specialist, office of program administration and accountability, presented this item. Mrs. Jay said that Section 22.1-209.1:2 of the *Code of Virginia* requires that a report be provided annually by the Board of Education to the Governor and the General Assembly on the effectiveness of the Regional Alternative Education Programs.

Mrs. Jay said that the 1993 General Assembly approved legislation and funding to create regional pilot programs to provide an educational alternative for certain students who have a pending violation of school board policy, have been expelled or suspended on a long-term basis, or are returning from juvenile correctional centers. A formula based on staffing patterns and the composite index of local ability-to-pay determines continuation funding for the programs.

During 2003-2004, 3,534 students were placed in one of the 29 regional programs. One hundred thirteen (113) school divisions participate in the 29 regional programs. Effectiveness of these programs can be demonstrated by decreases in the areas of discipline, crime, and violence incidences.

Mr. David Johnson made a motion to waive first review and approve the 2004 Annual Report on Regional Alternative Education Programs pursuant to 22.1-209.1:2, Code of Virginia. Mr. Goodman seconded the motion, and it carried unanimously.

First Review of the 2004 Annual Report on Public Charter Schools in Virginia

Mrs. Jay also presented this topic. Mrs. Jay said that Section 22.1-212.11 of the *Code of Virginia*, as amended, requires local school boards to report the number of public charter school applications that were approved and denied.

Mrs. Jay said that the annual report contains the results of data collections and an external evaluation of the public charter schools in Virginia. Mrs. Jay reported that since the initial state legislation for charter schools was passed in 1998, eight charter schools in eight school divisions have been approved. Seven of these schools continued to operate during the 2003-2004 school year. The eighth charter school (in Franklin County) closed in fall 2003. Information collected from school division superintendents in July 2004 revealed that no new charter school applications were approved during 2003-2004. Three charter school applications submitted during 2003-2004 were denied in three school divisions.

Mr. Thomas Johnson made a motion to waive first review and approve the 2004 Annual Report on Charter Schools in Virginia pursuant to 22.1-212.15, Code of Virginia. Mrs. Saslaw seconded the motion, and it carried unanimously.

Mr. Jackson announced that Mrs. Saslaw and Mr. Emblidge will serve on the Board of Education Committee on Charter Schools. Mrs. Saslaw will chair the committee.

REPORTS

Final Report of the Joint Committee of the Board of Education and Board of Health to Study the Feasibility of Developing a Curriculum for Nutrition and Exercise for K-12

Mr. Goodman presented this topic. Mr. Goodman said that based on an agreement between the Board of Health and the Board of Education, a joint committee was established to study the feasibility of developing an education curriculum for proper nutrition and exercise for students in grades K-12.

Mrs. Goodman said that the increasing prevalence of childhood obesity and the related health risks has been documented in medical literature and has become a frequently discussed public policy issue. Students' overall health influences their ability to learn and achieve their full educational potential. As a result, the Committee also examined the broader issues concerning nutrition and physical activity among K-12 students that could affect the implementation of an educational curriculum.

Mr. Goodman said that the joint committee's recommendations are as follows:

- 1) Developing Curriculum for proper nutrition and physical education should continue to be the responsibility of local school divisions with guidance and technical assistance provided by VDOE with consultation from VDH.
- 2) Establish State Guidelines for school divisions to use in developing a Nutrition and Physical Activity Policy at the local level. Goals for the state guidelines and recommendations are detailed in the committee's report.
- 3) Establish a Mechanism for State Level Evaluations and Technical Assistance. Recommendations for evaluation and technical assistance are detailed in the committee's report.
- 4) Continue Collaboration between the Departments of Education and Health on issues concerning the health of the school age population, with a focus on developing school-based strategies for preventing childhood obesity.

Mr. Goodman thanked Mr. David Johnson for serving on the committee. Mr. Goodman also acknowledged the work of Mrs. Susan Genovese while she was a member of the committee.

The Board received the report. This is the final report, and no further review or action is required. Mr. Jackson asked Dr. DeMary to study the recommendations and to advise the Board on the feasibility of implementing the recommendations.

Report on School Accreditation

Mrs. Shelley Loving-Ryder, assistant superintendent for assessment and reporting, presented this item. Mrs. Loving-Ryder said that school accreditation ratings are based on student performance on statewide tests in English, mathematics, science, and history/social science. The 2004-2005 school year marks the sixth year that school accreditation ratings based on student test performances have been reported.

Mrs. Loving-Ryder reported that in 2004-2005, 1,514 or 84 percent of the commonwealth's 1,807 schools that earned accreditation ratings met or exceeded the achievement objectives in the four core academic areas required for full accreditation. In 2003-2004, 1,423 or 78 percent of Virginia's schools were fully accredited.

Mrs. Loving-Ryder noted that the provisional accreditation categories for ratings earned during the 1999-2000 through 2002-2003 no longer exist. Schools are now either fully accredited or accredited with warning, except in the cases of alternative schools with approved or pending alternative accreditation plans. Fifteen percent, or 270 of the schools that earned ratings last year are accredited with warning for 2004-2005, compared with 51 last year. Sixty percent, or 163 of the schools now on academic warning were provisionally accredited last year, while 166 of last year's provisionally accredited schools are now fully accredited.

Mrs. Loving-Ryder also reported that a combined accreditation pass rate of at least 75 percent on English tests in grades 3 and 5 is now required for full accreditation.

Elementary schools also must achieve an accreditation pass rate of at least 70 percent in mathematics and in grade 5 science and grade 5 history, and pass rates of at least 50 percent in grade 3 science and grade 3 history. Previously, the science and history scores of students in grade 3 counted only if they improved the school's rating. The number and percentage of elementary schools achieving full accreditation increased despite the higher accreditation requirements for elementary-level English, history, and science. This year, 1,002, or 87 percent of the state's 1,156 elementary schools, are fully accredited. Last year, 932, or 81 percent, of Virginia's 1,153 elementary schools were fully accredited, based on achievement during 2002-2003.

The Board received the report.

DISCUSSION OF CURRENT ISSUES

Mr. Jackson appointed Mrs. Castro, Mrs. Saslaw, and Dr. Jones to serve on a special committee to evaluate and support the needs of the growing ESOL population in the commonwealth. Mrs. Castro will chair the committee.

Mr. Jackson also announced that Dr. DeMary recently received the Elwood Pace Humanitarian Award from the National Association of State Directors of Special Education. The award was presented on October 26, 2004 at the conclusion of the association's annual meeting in Denver, Colorado. Dr. DeMary was selected to receive the Pace Award by the association's Board of Directors because of her exemplary service to others beyond her role as Virginia's chief state school officer. The Board congratulated Dr. DeMary.

The Board met for dinner at the Crowne Plaza Hotel on October 27, 2004. Present were Mr. Jackson, Mrs. Castro, Mr. Goodman, Mr. David Johnson, Mr. Thomas Johnson, Dr. Jones, Mrs. Saslaw, and Dr. Ward. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

EXECUTIVE SESSION

Mr. Goodman made a motion to go into executive session under *Virginia Code* ' 2.2-400.A.1, specifically to discuss personnel matters related to licensure. The motion was seconded by Dr. Jones and carried unanimously. The Board adjourned for the Executive Session at 11:45 a.m.

Mr. Goodman made a motion that the Board reconvene in open session. The motion was seconded by Dr. Jones and carried unanimously. The Board reconvened at 12:30 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 Dr. Jones and carried unanimously.

Board roll call:

Mrs. Castro – Yes

Mr. Thomas Johnson – Yes

Mr. Goodman – Yes

Mr. Jackson – Yes

Dr. Jones – Yes

Mr. David Johnson – Yes

Mrs. Saslaw – Yes

Mr. Goodman made the following motions:

Case #1: That the Board of Education continue the license. Dr. Jones seconded the motion and it carried unanimously.

Case #2: That the Board of Education issue the license. Dr. Jones seconded the motion and it carried unanimously.

Case #3: That the Board of Education issue the license when the applicant can prove that he/she has been released from supervised probation. Dr. Jones seconded the motion and it carried unanimously.

Case #4: That the Board of Education approve continuation of the license upon completion of renewal requirements. Mrs. Castro seconded the motion and it carried unanimously.

Case #5: That the Board of Education issue the license. Mrs. Saslaw seconded the motion and it carried unanimously.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Jackson adjourned the meeting at 12:30 p.m.

President

Secretary