

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

September 22, 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:

Mr. Thomas M. Jackson, Jr., President
Mr. Mark E. Emblidge
Mrs. Isis M. Castro
Mr. M. Scott Goodman

Mr. David L. Johnson
Dr. Gary L. Jones
Mrs. Eleanor B. Saslaw
Dr. Ella P. Ward

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 AGENDA

Dr. Jones made a motion for the following items to be discussed at the October Board Meeting: Item N, *First Review of Cut Scores for Praxis I Proposed by the Advisory Board on Teacher Education and Licensure (ABTEL) Based on the Re-Validation and Standard-Setting Study Conducted on July 22, 2004*, and Item O, *First Review of an Advisory Board on Teacher Education and Licensure (ABTEL) Recommendations Supporting a Proposed Cut-Score for the School Leaders Licensure Assessment (SLLA)*. Dr. Ward seconded the motion, and it carried unanimously.

APPROVAL OF MINUTES

Dr. Jones made a motion to approve the minutes of the July 21, 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 appreciation and recognition for outstanding service was presented to Mrs. Ruby Rogers, member of the Board of Education, 1998-2004, and Mrs. Susan Genovese, member of the Board of Education, 2000-2004, and vice president, 2002-2004.

PUBLIC COMMENT

The following persons spoke during public comment:

Princess Moss
Gary Anderson
Dr. Gary McCann
Kevin Keenan
Sarah Geddes
Mrs. Harris
Katie Ryan

CONSENT AGENDA

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

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Fund

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

The Department of Education's recommendation for four projects in the amount of \$14,225,000 to be deferred and projects be 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 approved with the Board's vote on the consent agenda.

The Department of Education's recommendation that Nelson County's request to be removed from the First Priority Waiting List was approved with the Board's vote on the consent agenda.

First Priority Waiting List

DIVISION	SCHOOL	AMOUNT
Roanoke City	Patrick Henry High	\$7,500,000.00
Roanoke City	Fallon Park Elementary	1,600,000.00
Roanoke City	Westside Elementary	3,100,000.00
Hanover County	Stonewall Jackson Middle	2,025,000.00
TOTAL		\$14,225,000.00

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education’s recommendation to approve four applications in the amount of \$14,225,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, Code of Virginia, was approved with the Board’s vote on the consent agenda.

DIVISION	SCHOOL	AMOUNT
Roanoke City	Patrick Henry High	\$7,500,000.00
Roanoke City	Fallon Park Elementary	1,600,000.00
Roanoke City	Westside Elementary	3,100,000.00
Hanover County	Stonewall Jackson Middle	2,025,000.00
TOTAL		\$14,225,000.00

Final Review of Financial Report

The Department of Education’s recommendation to approve the financial report on the status of the Literary Fund as of June 30, 2004, was approved with the Board’s vote on the consent agenda.

ACTION/DISCUSSION ON BOARD OF EDUCATION REGULATIONS

First Review of Notice of Intended Regulatory Action (NOIRA) to Promulgate Regulations Governing Re-enrollment Plans (8 VAC 20-660-10 et seq.)

Dr. Cynthia Cave, director, Office of Student Services, presented this item. Dr. Cave said that Section 22.1-17.1 of the Code of Virginia establishes the responsibility of the Board of Education to promulgate regulations for the re-enrollment into the public schools of children who have been in the custody of the Department of Juvenile Justice (DJJ).

Dr. Cave said that the re-enrollment plan’s purpose is to facilitate sharing of information about a student’s record and the planning for placement in public schools upon release from correctional facilities, in order that educational services continue without disruption. Preparation of the re-enrollment plan relies on communication and information sharing among school divisions, DJJ juvenile correctional and court services units, and the Department of Correctional Education (DCE) juvenile schools (§ 16.1-293 and § 22.1-17.1 of the Code).

Dr. Cave said that the evaluation of the process provided information that was used by an interagency committee with representatives from DCE, DJJ, DOE, and school divisions in drafting regulations that were brought before the Board of Education in 2002. The draft regulations were authorized by the Board of Education for continuation in promulgating requirements of the Administrative Process Act. However, the required review process was not completed within the necessary time period, and the regulations could not be brought before the Board of Education for final adoption.

Dr. Cave explained that subsequent to the enactment of ' 22.1-17.1, the Department of Education and the Department of Juvenile Justice developed model re-enrollment procedures and provided statewide training on re-enrollment planning. In 2000, the Department of Criminal Justice Services (DCJS) funded an evaluation of the re-enrollment process, which was conducted by The College of William and Mary. The study included a survey of persons involved in implementation of the model plan procedures, focus groups, and interviews with parents. Recommendations from the evaluation included the need for revisions to procedures and additional staff training on the re-enrollment planning process. During 2003, an interagency planning committee with representatives from DOE, DCE, DJJ, and school divisions revised the re-enrollment planning procedures and trained school divisions staff, DCE guidance counselors, transition specialists, and probation/parole officers.

Dr. Jones made a motion to waive first review and authorize the Department of Education staff to proceed with the NOIRA for the regulations. The motion was seconded by Dr. Ward and carried unanimously.

The Board asked staff members to report at the October meeting on whether the Board should pursue a statutory change on the number of days the Department of Juvenile Justice should inform the school division of a juvenile's return to the community from commitment. Currently, the amount of time is 14 days prior to release. The president asked Mr. Kevin Keenan and others who spoke on this issue during public comment to work with staff personnel on this issue.

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

The Board accepted the proposed Regulations Governing Procedures for Adjusting Grievances of School Personnel for first review.

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

Mr. Charles Finley, assistant superintendent, educational accountability, presented this item. Mr. Finley 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 as required by 8 VAC 20-131-340.A of the regulations. On July 23, 2003, the Board of Education approved revisions to the school-level academic review process

House Bill 1294, passed by the General Assembly and signed into law on April 15, 2004, gave the Board of Education the authority to require division-level academic reviews in school divisions where findings of school-level academic reviews show that the failure of the schools to reach full accreditation is related to the local school board’s failure to meet its responsibilities under the *Standards of Quality*.

House Bill 1294 also requires that the Board of Education promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Mr. Finley said that emergency regulations are needed to ensure that the process for conducting division-level academic reviews begins as close to the beginning of the 2004-2005 school year as is practicable. At the July 21, 2004, meeting of the Board of Education’s Lowest-Performing School Divisions Committee, the proposed regulations were reviewed, and it was recommended that the following provision be added in 8 VAC 20-700-30:

F. The Department of Education may contract with an outside agency to conduct division-level academic reviews in which case, all of the procedures adopted by the Board shall be followed.

Dr. Jones made a motion to waive first review and approve the emergency regulations for conducting division-level academic reviews and authorize staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously.

First Review of Proposed Revisions to the Standards of Quality (SOQ)

Mrs. Anne Wescott, assistant superintendent, policy and communications, presented this item. Mrs. Wescott said that Article VIII, § 2 of the Constitution of Virginia requires the Board of Education to determine and prescribe standards of quality for the public schools in Virginia.

Mrs. Wescott presented the following summary of major changes to the SOQ:

Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives

- The curriculum adopted by the local school board shall be aligned to the Standards of Learning.
- Local school boards shall develop and implement a program of instruction for grades K through 12 that corresponds to the Standards of Learning, and meets or exceeds requirements of the Board of Education.
- Local school boards shall implement a process of collecting and analyzing data, and using the results to evaluate and make decisions about the instructional program.

Standard 2. Instructional, administrative, and support personnel

- State funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. [This language complies with Item 146 C.15 of the 2004 Appropriation Act.]

Standard 3. Accreditation, other standards and evaluation

- Local school boards shall report the results of all school academic reviews and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.
- Each local school board shall require the implementation of a data-driven, decision-making process to evaluate student progress and determine and recognize education performance.
- Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion.
- Each local school board shall analyze and report annually the results from industry certification examinations.

Standard 5. Teacher quality and educational leadership

- Teacher evaluations shall be based on regular observation of the teacher in the classroom. The evaluations shall be based, in part, on evidence that instruction is aligned with the school division's written curriculum, and shall include identification of appropriate professional development tailored to each individual teacher's instructional needs.
- Each local school board shall require its members to participate annually in high-quality professional development programs on governance, including but not limited to personnel policies and practices; curriculum and instruction; use of data in planning and decision-making; and current issues in education. [The

current language requires annual participation in high-quality professional development in personnel, curriculum, and current issues in education.]

- Local school boards shall provide teachers and principals with high-quality professional development programs each year in instructional content.
- Each local school board shall require all instructional personnel to participate each year in these high quality professional development programs.
- Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

Standard 6. Planning and public involvement

- The Board of Education's statewide comprehensive, unified, long-range plan shall be based on data collection, analysis, and evaluation. [The current language requires the Board of Education and local school boards to adopt six- year plans, and for schools to prepare biennial plans. The proposed amendments would delete the specific timeframes and, instead, would require comprehensive, unified, long-range plans.]
- The Board's plan shall include the objectives related to the improvement and sustainability of student achievement.
- Each local school board's division-wide comprehensive, unified, long-range plan shall be based on data collection, analysis, and evaluation.
- The local school board's plan shall include, or be consistent with, all other division-wide plans required by state and federal laws and regulations.
- The local school board's plan shall include the objectives related to the improvement and sustainability of student achievement.
- The local school board's plan shall include provisions for parent and family involvement to include building successful school and parent partnerships.

Standard 8. Compliance

- Each local school board shall report its compliance with the Standards of Quality to the Board of Education annually. The report of compliance shall be submitted to the Board of Education by the chairman of the local school board and the division superintendent.
- Noncompliance with the Standards of Quality shall be included in the Board of Education's annual report to the Governor and the General Assembly.

The Board accepted the proposed revisions to the Standards of Quality for first review. The Board of Education will schedule a series of public hearings on October 13 and 14 to seek public comment on Standards of Quality for public schools. The locations for the public hearings will be announced.

Final Review of Proposed Revisions to the Board of Education's Bylaws Regarding Appointment and Operation of Advisory Committees

Mrs. Wescott also presented this item. Mrs. Wescott said that the Board of Education's bylaws are being revised to incorporate amendments regarding the appointment and operation of the various advisory committees formed by the Board or by state or federal law or regulation. Following a public comment period on the proposed revisions, the bylaws are being presented for final action by the Board.

Dr. Ward made a motion to approve the proposed amendments to the bylaws. The motion was seconded by Mrs. Saslaw and carried unanimously.

Bylaws of the Virginia Board of Education

In accordance with § 22.1-16 of the Code of Virginia of 1950, as amended, (the "Virginia Code"), the Virginia Board of Education (the "Board") hereby adopts the following bylaws, effective as of the date and authorized signature below, for its own governance and to promulgate such regulations as may be necessary to carry out its powers and duties.

ARTICLE ONE: PURPOSE

In accordance with Article VIII, § 4, of the Constitution of Virginia, the general supervision of the public school system in the Commonwealth of Virginia shall be vested in the Board of Education.

ARTICLE TWO: MEMBERSHIP

Section 1. Composition. The Board shall consist of nine members appointed by the Governor of Virginia, subject to confirmation by the General Assembly of Virginia.

Section 2. Term of Membership. Every appointment to the Board shall be for a term of four years, except that appointments to fill vacancies other than by expiration of a term shall be for the unexpired terms. No member of the Board shall be appointed to more than two consecutive four-year terms.

ARTICLE THREE: OFFICERS

Section 1. President. The President of the Board shall be elected by a majority of the Board members, shall preside over meetings of the Board, and shall have all powers and duties as necessary to fulfill the role of chief executive of the Board and its presiding officer and as may be, from time to time, conferred or prescribed by the Board. The President shall exercise supervision and direction over the Board's goals and affairs and discharge all duties generally pertaining to such office as the executive head of an organization of this character, subject to the control of the Board members. The President shall appoint members of the Board to serve on standing committees and appoint special committees with non-Board members as deemed necessary. The President shall be elected from the Board membership for a term of two years. The President may succeed himself or herself. The election of the President shall be by a recorded vote.

Section 2. Vice President. The Vice President shall have such powers and perform such duties as may from time to time be conferred or prescribed by the Board. In the absence of the President, the Vice President shall discharge all such executive duties of the office of President. The Vice President shall be elected from the Board membership for a term of two years. The Vice President may succeed himself or herself. The election of the Vice President shall be by a recorded vote.

Section 3. Secretary. In accordance with § 22.1-23 of the Virginia Code, the Superintendent of Public Instruction shall serve as Secretary of the Board and shall perform such other duties as the Board may prescribe. The Secretary shall attend all meetings of the Board and record all votes and the proceedings of the meetings in a book to be kept for that purpose and shall perform like duties for any other committees, if required. The Secretary shall give, or cause to be given, notice of all meetings of the Board, and shall

perform such other duties as may from time to time be prescribed by the Board or the President, under whose supervision he or she shall act. The Secretary shall have custody of the seal of the Board, and the Secretary, or an Assistant Secretary, shall have authority to affix the same to any instrument requiring it, and when so affixed, the seal may be attested by his or her signature or by the signature of such Assistant Secretary. The Board may give general authority to any other officer to affix the seal of the Board and to attest the affixing thereof by his or her signature.

Section 4. Other Officers. Additional officers, in the discretion of the Board, may be elected from time to time to perform such duties and undertake functions designated by the Board.

ARTICLE FOUR: MEETINGS

Section 1. Annual Meeting. The first meeting after February 1 shall be designated as the annual meeting of the Board. At the annual meeting, the members shall elect the President and Vice-President for any expired terms, in even-numbered years. At the annual meeting, the members shall also consider any other business that may properly come before the Board.

Section 2. Regular Meetings. Prior to and no later than the annual meeting, the Board shall adopt a tentative schedule for regular meetings for the applicable calendar year. Such schedule shall be subject to the change, alteration, or adjustment by the President as he or she deems appropriate, to accommodate the operation of the Board.

Section 3. Special Meetings. A special meeting of members may be called by the President in his or her sole discretion, and shall be called by the President (or in the absence of the President, the Vice President or Secretary, upon written request to the Secretary by five or more members of the Board. No business other than that specified in the notice of the meeting shall be transacted at any special meeting of the Board.

Section 4. Place of Meetings. Annual and regular meetings of the Board shall ordinarily be held at the office of the Superintendent of Public Instruction. The Board may hold annual and regular meetings at such other place or places, for any time period, within the Commonwealth of Virginia, as designated in advance by the President, or in the absence of the President, by the Vice President.

Section 5. Adjournment. Any duly called meeting of the Board may be adjourned to a later time and place, determined by the Board members present, whether such members constitute a quorum for transaction of business, provided that such time and place are announced at the meeting. No other notice of the adjourned meeting shall be required.

Section 6. Voting Proxies. At meetings of the Board, all members present shall be entitled to exercise voting rights on all matters. Members not present at a meeting shall not be entitled to vote by proxy.

Section 7. Notices of Meetings. Written notice stating the place, day, and hour of any meeting of the members, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each Board member not less than 10 days before the date of the meeting by or at the direction of the President, or the Secretary, or the persons calling the meeting. A notice shall be deemed duly given to a Board member when it is: (1) adopted by the Board as part of its tentative regular meeting schedule and is not subsequently changed or altered in accordance with Article 4, Section 2 above, or (2) delivered in person or mailed, postage-prepaid, to the address of such Board member as it appears on the records of the Board, or (3) when it is sent via telecopier or electronic mail transmission to the telecopier number or electronic mail address of such Board member, and the sender has received a confirmation from the Board member that such transmission has been received. Written notice stating the place, day, and hour of any meeting of the members of the board shall be provided to the public at least three working days prior to the meeting. The notice shall state whether or not public comments will be received at the meeting and, if so, the approximate point during the meeting when public comments will be received.

Section 8. Voting and Quorum. Each member of the Board shall be entitled to one vote with respect to each matter voted on by the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Except as expressly provided otherwise in these bylaws, the vote of a majority of the Board members present at any meeting at which a quorum is present shall be the act or resolution of the Board.

Section 9. Conflict of Interest. In any case where a member has a personal interest in a particular vote of the Board, such member(s) shall excuse himself or herself from the vote of the Board.

Section 10. Waiver. Whenever any notice is required to be given under the provisions of law or these bylaws, a written waiver thereof, signed by the person or persons entitled to such notice and filed with the records of the meeting, whether before or after the time stated therein, shall be conclusively deemed to be equivalent to such notice. In addition, any member who attends a meeting of the Board without protesting at the commencement of the meeting such lack of notice shall be conclusively deemed to have waived notice of such meeting.

ARTICLE FIVE: EXECUTIVE SESSIONS

The Board may decide to go into executive session at any of its meetings in accordance with the laws of the Commonwealth of Virginia. Prior to such action, the Board must adopt a motion to go into executive session. The Board shall discuss only matters in an executive session as specified by the Virginia Freedom of Information Act or other applicable law. The Board may take no final action on any item in executive session. At the conclusion of any executive session, the Board must reconvene in public session and take a vote of the membership to come out of executive session.

ARTICLE SIX: RESOLUTIONS OF THE BOARD

All resolutions adopted by the Board shall be signed by the President and shall remain in effect until repealed, amended, or otherwise suspended by subsequent resolution. The Secretary shall maintain an appropriate record of all Board resolutions in effect and make such record available to the Board and the public upon request.

ARTICLE SEVEN: AGENDA FOR MEETING

The Board will have a published agenda for all regularly scheduled public meetings. Items may be placed on the agenda by the Superintendent of Public Instruction or any member of the Board through the President of the Board. Final decision on the placement of items on the agenda will be made by the President of the Board.

ARTICLE EIGHT: CONSENT AGENDA/BOARD REVIEW PROCEDURES

Section 1. Consent Agenda. The President or presiding officer may place any item on the consent agenda for the applicable Board meeting. Items may also be placed on the consent agenda by majority vote of the Board. The consent agenda shall be adopted by a majority vote of the Board. Such item may be removed from the consent agenda by any Board member wishing to have it placed on the regular Board meeting agenda.

Section 2. Action on Items. Items that are not placed on the consent agenda but which require the Board's action must be reviewed by the Board at two separate meetings. Such review shall consist of a first review and a final review. Action may be taken on an item when it is brought to the Board for final review. The Board may waive the requirement for two separate reviews of any agenda item by majority vote. The materials, including the boiler plate and any appropriate background materials, for each item requiring Board action must be provided to all members not less than seven days before the meeting in which first review has been scheduled. The Board may waive this requirement for advance receipt of materials only by unanimous vote of the Board members present.

ARTICLE NINE: COMMITTEES

Section 1. Standing and Special Committees. The Board may create standing committees composed of Board members and non-Board members, as it shall deem appropriate, and impose upon such committee or committees such functions and duties, and grant such rights, powers, and authority as the Board shall prescribe. The President shall appoint all members to serve on standing committees. Special committees of the Board may be established and appointed by the President for specific assignments. All special committees shall report their findings and recommendations to the Board. All special committees shall dissolve upon the completion of their stated assignment or by act of the President.

Section 2. Advisory Committees. Advisory committees may be created by the Board for special purposes to include, but not be limited to, federal and state-mandated committees. An advisory committee shall be composed of persons who represent the views and interests of the general public and who are known to be qualified to perform their duties. Personnel of the Department of Education may be appointed to the committee, as members or as consultants. Unless otherwise prescribed by state or federal law or regulations, all appointments to an advisory committee shall be made by the Board upon the recommendations of the Superintendent of Public Instruction. Each committee shall be instructed as follows:

1. The length of time each member is being asked to serve;
2. The service the Board wishes the committee to render, the extent and limitations of its responsibilities;
3. The resources the Board will provide;
4. The approximate dates on which the Board wishes to receive reports; and
5. The responsibilities for the release of information.

The Board possesses legal powers and prerogatives that cannot be delegated or surrendered to others; therefore, all recommendations of an advisory committee must be submitted to the Board for action. The Board shall have sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time. Advisory committees to the Board of Education shall be established and operate in accordance with the procedures specified herein under Article Sixteen.

ARTICLE TEN: STUDENT ADVISORY COMMITTEE

The Board shall have a standing Student Advisory Committee consisting of twelve students, the President, the Secretary and two members of the Board appointed by the President. Student members shall be selected by a committee of the Board appointed by the President. Such student membership shall consist of one high school student from each of the eight Superintendents' Regions in the Commonwealth and four middle school students selected at-large from the Commonwealth. The President or a designated Board member shall preside over all meetings of the Student Advisory Committee, which shall meet at least three times a year or as prescribed by the President or the Board designee, with one meeting to coincide with a regularly scheduled Board meeting.

ARTICLE ELEVEN: PUBLIC PARTICIPATION

Citizens of the Commonwealth are encouraged to attend all Board meetings, except executive sessions as defined by the Freedom of Information Act, and may record the proceedings in writing or by using a recording device. The Board is not required to allow citizens to speak at every meeting, but will seek to do so as appropriate. Opportunities will be provided, at the discretion of the Board President, for individuals or citizens representing a group or groups to appear on the agenda of a regular meeting or work session of the Board. Requests to appear before the Board or one of its committees shall be made in writing 10 days before a scheduled meeting of the board and must include the subject to be discussed and the name of the speaker. The 10 days may be waived by the President or committee chairperson if the item is on the agenda. In honoring such requests, the Board will limit such presentations to three minutes for individuals and five minutes for citizens representing a group, unless an extension is granted by the President or committee chairperson.

ARTICLE TWELVE: BOARD OPERATIONS

Section 1. Promulgation and Adoption of Regulations. The Board shall promulgate such regulations as may be necessary to carry out its powers and duties. Regulations recommended for adoption by the Board shall be promulgated in accordance with the Administrative Process Act and Virginia Register Act, as well as any applicable Executive Order by the Governor.

Section 2. Contracts. The President and Secretary of the Board shall sign all contracts and agreements entered into by the Board unless the Board delegates to a specific person other than these two officers.

Section 3. Official Papers. All official records of the Board shall be open for inspection. Further, the official records of the Board shall be kept on file in the Department of Education for a period of five years, after which the record shall be maintained in accordance with the Records Retention and Disposition Schedule prescribed by the Library of Virginia.

Section 4. Compensation and Expenses. Members of the Board may receive a per diem, or portion thereof, in an amount set by the General Assembly while attending regular and special meetings of the Board or while participating in Board-related activities *pursuant to § 2.2-2813 of the Code of Virginia*. The members of the Board may receive reimbursement for reasonable expenses incurred while attending meetings of the Board or any committee thereof, or in performing duties as a member of the Board. Board members are encouraged to attend at least one regional or national meeting per year related to the responsibilities of the Board of Education. Reimbursement will be available for expenses to attend such meetings.

ARTICLE THIRTEEN: AMENDMENTS

These bylaws may be altered, amended, or repealed only by a vote of at least seven members of the Board after a first and final review has been completed in two separate meetings. The requirement for a first and final review at two separate meetings may not be waived by the Board, unless such waiver is approved by every member of the Board.

ARTICLE FOURTEEN: MISCELLANEOUS

Section 1. Addresses. The addresses and/or telephone numbers used in any notice given under the bylaws shall be those appearing on the books of the Board, and it shall be the individual member's responsibility to ensure that the Secretary has the correct address.

Section 2. Robert's Rules. Except as otherwise stated herein, all meetings of the Board shall be governed by the current edition of Robert's Rules of Order.

Section 3. Gender. All personal pronouns used in these bylaws, whether used in the masculine, feminine, or neuter gender, shall include all other genders, the singular shall include the plural, and vice versa, as the context may require.

Section 4. Repeal of All Previous Acts. All previous enactments of the Board's bylaws prior to the date set forth below are hereby repealed and declared null and void.

Section 5. Copy to All Members. The Board hereby directs the Secretary to provide all Board members with current copy of these bylaws and all amendments thereto.

ARTICLE FIFTEEN: REVISING THE STANDARDS OF QUALITY

The Board and its respective standing committee shall determine the need for a review of the Standards of Quality from time to time but no less than once every two years. The Board shall establish, by resolution, the process for such review. The Board shall consider making changes, if any, to the Standards of Quality based upon that review. The results of the Board's review and any recommended changes shall be communicated to the Governor and also to the Chairmen of the House Committee on Education, the House

Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance.

ARTICLE SIXTEEN: ADVISORY COMMITTEE OPERATIONS

Section 1. Purpose. For any advisory committee established under Article Nine above, the Board shall specify the purpose of the advisory committee, and shall specify the extent and limitations of the committees' responsibilities. Such purpose shall be in accordance with the Board of Education bylaws and any applicable state or federal law or regulation. Advisory committees shall act within the scope of authority specified by the Board. All advisory committee members acknowledge, by virtue of their service on the advisory committee, that their authority with respect to work of the advisory committee is limited to the matters assigned to it by the Board and by applicable state or federal law or regulation.

The Board shall annually direct advisory committees to undertake studies or assignments on specific topics and to make recommendations related to specific issues. The Board shall give a charge to each advisory committees at its annual planning meeting and as the Board president deems necessary and appropriate. The advisory committees shall report back to the Board on its findings and recommendations of those topics and issues identified by the Board for its review within the timeframe requested by the Board but not later than the annual planning meeting the following year.

Each advisory committee shall make an annual report to the Board of Education. The annual report shall include the findings and recommendations of those issues and topics identified by the Board for deliberation by the committees.

The Board may dissolve an advisory committee at any time, unless the advisory committee is required by state or federal laws or regulations. An advisory committee shall be deemed dissolved if it has conducted no business for 12 or more consecutive months. At its discretion, however, the Board may reconstitute an advisory committee that has been dissolved.

Section 2. Operating Procedures. The operating procedures outlined in this article shall govern the proceedings of all advisory committees, unless otherwise provided in state or federal law or regulations. All proceedings of the Committee meetings shall be as prescribed by Robert's Rules of Order. The Superintendent of Public Instruction shall determine the staff and funding resources needed to conduct the business of the advisory committee. The Board, at its discretion, may appoint a member of the Board to serve as liaison to the advisory committee.

Section 3. Membership. The Board shall determine the number of members to serve on an advisory committee, and shall appoint the members of the committee, as specified in Board bylaws under Article Nine, Section 2, except as provided by state or federal law or regulation. Nominations for all vacant positions will be solicited as widely as practicable and on forms provided by the Department of Education. Members of advisory committees shall not receive compensation for their service, but may be reimbursed for travel expenses in accordance with state travel guidelines set forth by the Department of Accounts.

Section 4. Term of Service. Appointments to an advisory committee shall be for a term of three years. Members of an advisory committee may be appointed to a second consecutive three-year term, but shall not be eligible to serve for more than six consecutive years; except that a member of an advisory committee who is serving a four-year term on October 1, 2004, and who is eligible for appointment to a second term would be eligible to be appointed to a three-year second term. A member filling the unexpired term of a member who resigned from the committee may be appointed to another consecutive three-year term. However, members of the Student Advisory Committee shall serve a term of one year, in accordance with Article Ten of the Board's bylaws.

Section 5. Advisory Committee Chair. The role of the committee chair is to conduct the meetings. The initial chair of an advisory committee shall be appointed by the President of the Board or, at the President's

discretion, co-chairs may be appointed. Thereafter, upon any expiration of term or vacancy of such positions, the chair or co-chairs shall be elected by the advisory committee according to Robert's Rules of Order. No co-chair may act on any matter pertaining to this joint office without the consent of the other co-chair. The chair shall have individual voting rights on all matters before the advisory committee and shall be responsible to present the findings and recommendations of the advisory committee at least annually and at other times requested by the Board. The committee may elect a vice chair, in accordance with Robert's Rules of Order, who presides if the chair is unable to attend the meeting.

Section 6. Meetings. All meetings of an advisory committee shall be held in a location and in a facility that is accessible to the public, as provided by the Freedom of Information Act (§ 2.2-3700 et seq., Code of Virginia). The committee chair shall work with Department of Education staff assigned to serve as a resource to the committee, and with the executive assistant to the Board of Education to ensure that the public is notified of all meetings in accordance with the Freedom of Information Act. There shall be a published agenda for all meetings set by committee chair or co-chairs, with the assistance of Department of Education staff and with the Board liaison to the committee, if applicable.

A majority of the members of the advisory committee shall constitute a quorum for the transaction of business. The vote of a majority of the advisory committee members present at any meeting at which a quorum is present shall be the act of the advisory committee. Each member of an advisory committee shall be entitled to one vote with respect to any matter voted on by the advisory committee. Members not present at a meeting shall not be entitled to vote by proxy.

In any case where a member has a personal interest in a particular vote of the advisory committee, such member(s) shall excuse themselves and shall not vote on that matter.

Section 7. Official Papers. All official records of advisory committees shall be kept on file in the Department of Education and shall be open to inspection as provided by the Freedom of Information Act, § 2.2-3704 of the Code of Virginia. All records shall be maintained in accordance with the Records Retention and Disposal Schedule prescribed by the Library of Virginia. Minutes of all meetings shall be filed electronically, as required by § 2.2-3707.1 of the Code of Virginia within 10 business days of any meeting the executive assistant to the Board of Education at the Department of Education.

Section 8. Effective Date. Article Sixteen of the bylaws of the Board of Education shall become effective beginning on October 1, 2004. Section 4 of Article Sixteen shall become effective with all appointments made by the Board of Education under this Article on or after October 1, 2004. The undersigned, being the duly elected President of the Virginia Board of Education, thereby certifies that the foregoing bylaws were duly adopted by its members as of the date and signature below.

Adopted in the Minutes of the Virginia Board of Education
June 22, 2000
Amended October 19, 2000
Amended October 22, 2001
Amended September 22, 2004

Final Review of Proposed Modifications to the School-Level Academic Review Process

Dr. Cheri Magill, director of accreditation, presented this item. Dr. Magill said that earlier guidelines approved by the Board on November 30, 2000, make provisions for local school boards to request approval of a locally-developed review in lieu of having a review conducted by the Department of Education. No school divisions have conducted their own reviews for the past two school years.

Forty-seven schools were rated “Accredited with Warning” and received academic reviews during the 2003-2004 school year. An increase in the number of warned schools is projected for the 2004-2005 school year based upon the phasing out of provisional accreditation ratings. Many of these schools are likely to be rated “Accredited with Warning” for the first time, and may have pass rates in content areas approaching the pass rates needed to be fully accredited. Other schools may be participating in targeted school improvement initiatives that involve ongoing technical assistance.

Dr. Jones made a motion to accept for final review the proposed modifications to the School-level Academic Review process. The motion was seconded by Dr. Ward and carried unanimously.

SCHOOL-LEVEL ACADEMIC REVIEW PROCESS
Adopted by the Board of Education: July, 2003

PURPOSE OF THE SCHOOL-LEVEL ACADEMIC REVIEW

The School-Level Academic Review is designed to help schools identify and analyze instructional and organizational factors affecting student achievement. The focus of the review process is on the SYSTEMS, PROCESSES, AND PRACTICES that are being implemented at the school and division levels — the focus is NOT on people. Specifically, information is gathered that relates to the following areas of review:

- Alignment of the local curriculum with state learning standards
- Use of time and school scheduling practices
- Use of data to make instructional and planning decisions
- Professional development opportunities provided for staff
- School improvement planning
- Implementation of an instructional method or model/program for schools previously warned in English or mathematics.
- Organizational systems and processes
- School culture

These areas of review provide a framework for the School-Level Academic Review process. Within each of these areas, indicators reflecting effective practices have been identified. These indicators are based on state laws and board regulations, as well as on research-based practices found to be effective in improving student achievement. The review team collects and analyzes data that reflect the school’s status in implementing these practices. Based on their findings, the team provides the school and the division with information that can be used to develop, revise, and implement the school’s three-year school improvement plan (SIP), as required by the SOA.

The School-level Academic Review process is designed to be “prescriptive” in nature, meaning that the process is tailored to meet the unique needs and circumstances presented by the school. For this

reason, the focus of a school’s On-Site Review and technical assistance is on those areas identified by the lead reviewers as the primary areas of need for the school.

Board of Education guidelines allow division superintendents to request that they be allowed to conduct their own reviews of their schools, using their own established processes. Such requests are sent to the superintendent of public instruction, and the information sent must show that the process they intend to use encompasses the School-Level Academic Review process used by the Department of Education and approved by the Board of Education.

OVERVIEW OF THE SCHOOL-LEVEL ACADEMIC REVIEW PROCESS

The School-Level Academic Review process consists of four types of visits conducted by a team of educators over the course of a school year. These visits are briefly described in the table below:

<i>Type of Visit</i>	<i>Purpose</i>	<i>Projected Timeframe</i>	<i>Persons Responsible</i>
I. Initial Visit	<ul style="list-style-type: none"> • Determine current status of improvement efforts • “Prescribe” on-site review 	1 day, fall	Lead Reviewers
II. On-site Review	<ul style="list-style-type: none"> • Assess instructional and organizational practices, through document review, observations and interviews • Identify areas of strength and areas for improvement • Establish “essential actions” and timelines for continued improvement 	3-5 days, late fall—winter	Academic Review Team
III. Follow-Up Visits	<ul style="list-style-type: none"> • Technical Assistance <ul style="list-style-type: none"> □ Facilitate incorporation of “essential actions” into school improvement plan □ Facilitate and support implementation of “essential actions” 	2-8 days total, winter--spring	Coordinated by Lead Reviewer(s); (Technical assistance providers may vary)
	<ul style="list-style-type: none"> • Progress Check <ul style="list-style-type: none"> □ Determine progress of school in implementing “essential actions” 	Periodic, 1-day, about every 4-6 wks	Lead Reviewer(s)
IV. Final Visit	<ul style="list-style-type: none"> • Identify significant changes in practice and recognize accomplishments • Assess status of school improvement planning efforts • Suggest “next steps” for continued improvement 	1 day, spring	Lead Reviewer(s)

Following the On-Site Review and Final Visits, school and division personnel are asked to complete evaluations of the academic review process. These data are compiled by the office of accreditation and used to monitor and refine the review process to ensure that the needs of schools are being met.

A. THE ACADEMIC REVIEW TEAM

Team Leaders

Two lead reviewers are assigned to each school rated Accredited with Warning. Typically, one leader is an independent contractor and the other is a DOE staff member. The lead reviewers work together to coordinate and conduct the review process in the school; however, the independent contractor assigned as the “lead” is primarily responsible for coordinating review schedules and activities with review team members and the school. This person is also responsible for facilitating the data collection and analysis process during on-site visits, entering the team’s findings into the academic review database, and developing and distributing reports.

The office of accreditation provides the school principal and the division superintendent with the names of the team leaders in advance of the review. The superintendent may, with good cause, request the replacement of a team member.

The lead reviewers conduct the initial visit together. They also lead the team during the on-site review visit. The lead independent contractor, in consultation with the DOE lead reviewer, is responsible for coordinating and conducting follow-up visits and the final visit.

Review Team

For the on-site review visit, the review team is expanded to include additional independent contractors, T/TAC staff and other DOE staff members, based upon the specific needs of each school. Team members are experienced educators selected from a cadre of independent contractors and DOE staff meeting specific criteria established by the department. All team members have participated in a training program and have had experience reviewing curriculum and analyzing data. At least one member of the Academic Review Team will have expertise in one or more of the content areas in which the school is warned.

B. EVALUATION OF THE SCHOOL-LEVEL ACADEMIC REVIEW PROCESS

The principal and all teachers and central office personnel that were involved in the review activities are asked to complete evaluations. The data from the evaluations provide the office of accreditation with critically important information about the effectiveness of the Academic Review process. These data help guide future revisions to data collection forms and the process and timelines for conducting future Academic Reviews.

MODIFICATIONS TO THE SCHOOL-LEVEL ACADEMIC REVIEW PROCESS, BEGINNING WITH THE 2004-2005 SCHOOL YEAR Proposed, September 22, 2004

The modifications of the academic review process maintain the purpose and prescriptive nature of the current School-level Academic Review process. The modifications include a tiered approach to the academic review process that differentiates the type of review a warned school receives based upon the school’s accreditation history, federal adequate yearly progress rating, content areas warned, Title I status, and special needs and circumstances of the school. Educators trained in the process will conduct the reviews, collecting data and analyzing it according to established guidelines. Reports of findings will continue to document areas of strength, areas for improvement, and essential actions that schools must implement. Schools will develop, implement, and monitor the implementation of school improvement plans.

A three-tiered approach to implementing the school-level academic review process will make a modified process available to schools accredited with warning that meet the following characteristics:

- The school has NOT been accredited with warning in the same content area in either of the past two years; and
- The school is NOT warned in three or more content areas; and
- The school is NOT a Title I school warned in English or mathematics that did not meet AYP requirements in the content area(s).

The modifications allow school division personnel trained in the School-level Academic Review process to conduct the academic reviews with oversight by a Department of Education staff member or a contracted educational consultant experienced in the School-level Academic Review process. Modifications also allow for school division oversight of school improvement plan development and implementation.

Modifications may also apply to schools receiving technical assistance and ongoing support through other Department of Education initiatives. The extent to which the Academic Review process will be modified for these schools will take into account the type of assistance being provided these schools through such initiatives. The Superintendent of Public Instruction may approve other academic review tiers or other department initiatives as alternatives to approved review processes dependent upon the special needs and circumstances of the warned school.

These modifications will be reviewed annually. The Department of Education will continue to report annually to the Board on the findings of the School-level Academic Reviews and on the effectiveness of the Academic Review processes being used. Implementation of the School-level Academic Review process will be monitored and evaluated throughout the school year.

First Review of a Request for Approval of an Alternative Accreditation Plan from the Fairfax County Public Schools

Mrs. Castro introduced and welcomed the Fairfax County public schools officials to the Board of Education. Mr. Finley, along with Dr. Jack Dale, division superintendent, and Mrs. Teresa Zutter, director of alternative school programs for Fairfax County public schools, presented this item.

Mrs. Zutter said that the school board of Fairfax County is proposing an alternative accreditation plan for three alternative high schools: Bryant Alternative High School, Mountain View School, and Pimmitt Hills School. Mrs. Zutter said that all of the schools offer programs designed to help students whose life circumstances could result or have resulted in an interruption of their education or in their dropping out of school. Currently, the day and evening programs serve, on average at each campus, more than 400 students of diverse socioeconomic backgrounds, ethnic groups, and age levels.

The schools operate on a "modified" 4x4 schedule with rolling enrollment, which allows students to enter the program approximately every two weeks. This means that the idea of a semester becomes somewhat less easy to define for some of these students. Also, because of the circumstances (work, medical, family matters, etc.) of many of these students, they are not always able to complete the coursework in what would normally be defined as one semester. Many students will overlap semesters and thus the need for this provision.

Mrs. Zutter said that the division is requesting a waiver to allow the schools to exclude the scores of students who have not been enrolled in the schools for two consecutive semesters from the calculation of accreditation ratings. In addition, the school division is seeking a waiver that requires the minimum course offerings for each secondary school to include three courses in foreign languages. Students who wish to pursue the advanced studies diploma requiring a minimum of three units of credit in foreign language will have opportunities to earn the required credit through alternative means.

The Board accepted the request of an alternative accreditation plan from Fairfax County public schools for first review.

First Review of Timeline for the Review and Approval of the Revised Computer/Technology Standards of Learning

Mr. Lan Neugent, assistant superintendent for technology, presented this item. Mr. Neugent said that the Board of Education adopted a schedule for reviewing and revising the Standards of Learning at its September 28, 2000, meeting. Accordingly, the computer technology standards are scheduled for revision in 2005.

Dr. Jones made a motion to waive first review and approve the timeline for review and approval of the revised Computer/Technology Standards of Learning. The motion was seconded by Dr. Ward and carried unanimously.

First Review of an Advisory Board on Teacher Education and Licensure (ABTEL) Recommendations to Establish ACT Scores as a Substitute Test for Praxis I

Dr. Thomas Elliott, assistant superintendent for teacher education and licensure, presented this item. Dr. Elliott stated that on March 24, 2004, the Board of Education approved the use of the SAT as a substitute test for Praxis I (Reading, Writing, and Mathematics) required for initial licensure. The Board approved a score of 1000 on the SAT, taken prior to April 1, 1995, with at least 450 on the verbal and 510 on the mathematics tests or a score of 1100 on the SAT, taken after April 1, 1995, with at least 530 on the verbal and 530 on the mathematics tests as a substitute for Praxis I.

The Board of Education's decision to approve the SAT as a substitute for Praxis I was a recommendation of the Advisory Board on Teacher Education and Licensure. The advisory board based its recommendations to the Board of Education on a study titled, *Report of Virginia PPST Exemption Study: Exemption Based on SAT Scores*, conducted by Samuel A. Livingston and Kevin Larkin, Educational Testing Service (ETS).

Dr. Jones made a motion to waive first review and approve the following ABTEL proposal as an ACT substitute test for Praxis I. The motion was seconded by Mrs. Castro and carried unanimously.

Prior to April 1, 1995 -- a composite score of 21 (concordance with the combined SAT 1000 score), with the ACT mathematics score no less than 21 (concordance with the 510 SAT mathematics score), and an ACT English and Reading score no less than 37 (concordance with 450 SAT verbal score).

After April 1, 1995 – a composite score of 24 (concordance with the combined SAT 1100 score), with the ACT mathematics score no less than 22 (concordance with the 530 mathematics score), and an ACT English Plus Reading score no less than 46 (concordance with the 530 SAT verbal score).

First Review of a Recommendation to Establish Proficiency Levels for the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview and the Writing Proficiency Test as Alternate Tests to the Modern Language Association (MLA) Proficiency Test for Teachers and Advanced Students

Dr. Thomas Elliott, assistant superintendent for teacher education and licensure, presented this item. The *Licensure Regulations for School Personnel* allow native speakers or candidates who have learned a foreign language without formal academic credit in a college or university to meet the foreign language endorsement requirements by achieving a composite score at or above the fiftieth percentile on the listening, speaking, reading, writing, civilization, and culture sections of the Modern Language Association (MLA) Proficiency Test for Teachers and Advanced Students, and earning a minimum of three semester hours of methods of teaching foreign languages at the elementary and secondary levels from an accredited college or university in the United States.

On June 23, 2004, the Board of Education approved the use of the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview and the Writing Proficiency Test as alternate tests to the Modern Language Association (MLA) Proficiency Test for Teachers and Advanced Students.

The ACTFL Oral Proficiency Interview (OPI) is a face-to-face or telephone interview between a certified ACTFL tester and examinee that determines how well a person speaks a language by comparing his or her performance of specific communication tasks with the criteria for each of 10 proficiency levels described in the ACTFL Proficiency Guidelines-Speaking (Revised 1999). The ACTFL Writing Proficiency Test (WPT) is a vehicle that measures how well a person spontaneously writes in a language (without access to dictionaries or grammar references) by comparing his/her performance on specific writing tasks with the criteria stated in the *ACTFL Proficiency Guidelines – Writing (Revised 2001)* descriptions.

Dr. Jones made a motion to waive first review and approve the Advisory Board on Teacher Education and Licensure’s proposed proficiency levels of “Advanced Low” and above for the ACTFL Oral Proficiency Interview (OPI) and the Writing Proficiency Test (WPT). Dr. Ward seconded the motion, and it carried unanimously.

First Review of Cut Scores for Praxis I Proposed by the Advisory Board on Teacher Education and Licensure (ABTEL) Based on the Re-Validation and Standard-Setting Study Conducted on July 22, 2004

This item will be presented at the October Board Meeting.

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)

This item will be presented at the October Board Meeting.

First Review of Proposed Revisions to the Board of Education's Model Student Conduct Guidelines

Dr. Cynthia Cave, director, Office of Student Services, presented this item. Dr. Cave said that the Board of Education's *Student Conduct Policy Guidelines* were first developed in 1994 in response to action by the 1993 General Assembly that required the Board to establish such guidelines. The guidelines were last revised in 2001 to reflect numerous changes in federal and state laws, regulations, and relevant case law. The guidelines are intended to aid school boards in developing and implementing student conduct standards and policies.

The 2004 General Assembly adopted HB 513 (Marrs) and HB 1331 (Tata) that amended § 22.1-279.6 of the Code of Virginia to require self-defense and hazing, respectively, to be included in the guidelines. With the assistance of a statewide representative group, the *Virginia Student Conduct Policy Guidelines 2004* have been revised in response to this legislation and to reflect recent changes in law and emerging best practice principles. Local school boards are required to adopt and revise regulations for codes of student conduct that are consistent with, but may be more stringent than, these guidelines.

Dr. Jones made a motion to waive first review and accept the guidelines for final review. The motion was seconded by Dr. Ward and carried unanimously.

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

Dr. Cynthia Cave, director, Office of Student Services, presented this item. Dr. Cave said that Virginia public schools are more diverse, and this trend will continue to grow. The ultimate focus is not about diversity itself, but more about understanding how differences affect the ways students achieve in school. To build an appreciation of differences in a school, it is important to promote understanding of values and beliefs endemic to various cultures.

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 Multicultural Education Award has been developed.

Multicultural education 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 Multicultural Education Award would be given to schools and school divisions. Recipients would 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 would be highlighted on the Web site of the Virginia Department of Education.

The Board accepted the proposal to develop this award for first review. The motion was seconded and carried unanimously.

REPORTS

Annual Report of the State Special Education Advisory Committee

Mrs. Charlene Christopher, chair of the State Special Education Advisory Committee, presented this item. Mrs. Christopher said that the State Special Education Advisory Committee (SSEAC) is a federally-mandated panel of individuals with disabilities, teachers, parents, state and local officials, and local administrators. The Individuals with Disabilities Education Act (IDEA) requires that the committee submit an annual report to the state education agency.

Mrs. Christopher stated that the report includes (1) an overview of the SSEAC mission and structure, (2) a description of priority issues in special education, and (3) a summary of future issues that the SSEAC will consider.

The Board accepted the report for consideration and dissemination to the public upon request.

Report on the Board of Education's Authority and Responsibility Under the Provisions Regarding Sanctions Contained in the No Child Left Behind Act of 2001

Ms. Deborah Love-Feild, assistant attorney general, Office of the Attorney General, presented this item. The *No Child Left Behind Act of 2001* (NCLB) requires states to establish an accountability system for schools, school divisions, and the state. As

a part of the accountability system, states must have sanctions and corrective actions for school divisions that do not make adequate yearly progress (AYP) for two or more consecutive years. The 2004-2005 school year will be the second year that school divisions in Virginia will have been held to AYP requirements and be subject to sanctions or corrective actions.

Ms. Feild discussed the following NCLB list of corrective actions that, if consistent with state law, may be imposed by states on school divisions that do not make adequate yearly progress for two or more consecutive years:

20 U.S.C. 6316(c)(3)

(P.L. 107-110 Sec 1116(c)(3))

(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.

A state shall identify for improvement any local educational agency that, for two onsecutive years, including the period immediately prior to the date of enactment of the No Child Left Behind Act of 2001, failed to make adequate yearly progress as defined in the State's plan under section 111(b)(2).

20 U.S.C. 6316(c)(10)

(P.L. 107-110 Sec 1116(c)(10))

(10) CORRECTIVE ACTION.

In order to help students served under this part meet challenging state student academic achievement standards, each state shall implement a system of corrective action in accordance with the following:

(A) DEFINITION. —As used in this paragraph, the term ‘corrective action’ means action, consistent with State law, that—

- (i) substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the agency; and
- (ii) is designed to meet the goal of having all students served under this part achieve at the proficient and advanced student academic achievement levels.

(B) GENERAL REQUIREMENTS. —After providing technical assistance under paragraph (9) and subject to subparagraph (E), the State—

- (i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);
- (ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year after the identification of the agency under paragraph (3); and
- (iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

(C) CERTAIN CORRECTIVE ACTIONS REQUIRED. —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.
- (D) HEARING. —Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.
- (E) NOTICE TO PARENTS. —The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.
- (F) DELAY. —Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

The Board accepted the report.

DISCUSSION OF CURRENT ISSUES

Dr. DeMary announced the retirement of Mr. Charles Finley, assistant superintendent for educational accountability. Dr. DeMary thanked Mr. Finley for his years of service to the department.

The Board met for dinner at the Crowne Plaza Hotel on September 21, 2004. Present were Mr. Jackson, Mrs. Castro, Mr. Emblidge, Mr. Goodman, Mr. David 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.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Jackson adjourned the meeting at 12:20 p.m.

PUBLIC HEARING ON PROPOSED REGULATIONS GOVERNING SCOLIOSIS SCREENING PROGRAM (8 VAC 20-690-10 ET SEQ.)

No one signed up for public comment.

President

Secretary