

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

February 23, 2005

The Board of Education and the Board of Career and Technical Education met in Conference Rooms D & E at the James Monroe State Office Building, Richmond.

Mr. Thomas A. Jackson, President	Dr. Gary L. Jones
Mr. Mark E. Emblidge, Vice President	Mr. Andrew J. Rotherham
Mrs. Isis M. Castro	Mrs. Eleanor B. Saslaw
Mr. David L. Johnson	Dr. Ella P. Ward
Mr. Thomas G. Johnson, Jr.	
	Dr. Jo Lynne DeMary, Assistant Superintendent for 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.

***NEW BOARD MEMBER***

Mr. Jackson introduced new Board member, Mr. Andrew J. Rotherham. Mr. Rotherham succeeds Mr. M. Scott Goodman for a term of four years, effective January 30, 2005, and ending on January 29, 2009.

***APPROVAL OF AGENDA***

The Board moved Item F, *First Review of Praxis I Cut Scores Proposed by the Advisory Board on Teacher Education and Licensure (ABTEL)*, to the March meeting.

***APPROVAL OF MINUTES***

Dr. Ward made a motion to approve the minutes of the January 12, 2005, and January 19, 2005, minutes of the Board. The motion was seconded by Mr. David Johnson and 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 the Hopewell City public schools, Virginia's 2005 Highly Distinguished Title I Division. The following persons were in attendance:

*Mr. Ronald L. Caricofe*, chairman, Hopewell City School Board;  
*Dr. Winston O. Odom*, Superintendent, Hopewell City public schools;  
*Mrs. Linda E. Hyslop*, assistant superintendent for instruction, Hopewell City public schools, and  
*Mrs. Janet C. Covington*, supervisor, compensatory programs for education and testing, Hopewell City public schools.

- A presentation of commemorative ornaments to members of the Board of Education on behalf of Virginia's schoolchildren who participated in the 2004 Capitol Holiday Tree Project.

***PUBLIC COMMENT***

The following persons spoke during public comment:

Meaghn Mulcahy  
Kevin Keenan  
Angelina Warren  
Joe Scantlebury

***ACTION/DISCUSSION ON BOARD OF EDUCATION REGULATIONS***

***First Review of Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice (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 establishes the responsibility of the Board of Education to promulgate regulations for the re-enrollment of children who have been in the custody of the Department of Juvenile Justice (DJJ) into the public schools.

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).

On September 22, 2004, the Board of Education approved a Notice of Intended Regulatory Action (NOIRA) for *Re-enrollment in Public Schools of Children in the Custody of the Department of Juvenile Justice*. A Re-enrollment Task Force of 16 members was convened and met on October 25, 2004, to discuss re-enrollment and other areas of concern. The members included a parent, an involved citizen, an advocate from JustChildren, a principal from the public schools, a principal from an alternative school, an administrator for student conduct who handles transition in a school division, a principal in a juvenile correctional center high school, parole officers, and representatives from the Department of Correctional Education, the Department of Juvenile Justice, and the Department of Education.

Dr. Cave said that the task force discussed the requirements of the Code, the work that had been done thus far to establish procedures for re-enrollment and coordination among agencies and the school divisions, and the process that currently takes place. Issues were identified that affect the success of transitioning from the school division to the juvenile justice system and back into the school system in terms of continuity for the student's education. Using the list of issues as a framework, a representative subcommittee of the full task force drafted regulations, which were reviewed by the entire task force. Subsequent revisions in response to the comments of task force members produced the proposed regulations.

The goals of the regulations include the following:

- Creating a positive impact on the family, the student, court services, school divisions and correctional centers, as they are seeking to continue the student's education upon his or her release from a juvenile correctional center;
- Providing for consistency in curricula, standards and policies among all educational programs; and
- Providing for the timely transfer of information between court services, school divisions, and correctional centers.

Dr. Ward made a motion to waive first review and approve the proposed Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice (8 VAC 20-660-10 et seq.) and authorize staff of the department to proceed with the remaining steps required by the Administrative Process Act. The motion was seconded by Dr. Jones and carried unanimously.

Dr. Jones requested that special attention be given to services that help children transition back to the public school setting. Dr. Jones noted that for many students this is a particularly difficult time and special help is often needed for a smooth and successful transition.

***ACTION/DISCUSSION ITEMS***

***First Review of a Request for a Waiver of a Provision in the Regulations Establishing Standards for Accrediting Public Schools in Virginia***

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that at its meeting on September 22, 2004, the Board of Education reviewed a request from the school board of Fairfax County for approval of an alternative accreditation plan for three alternative high schools: Bryant Alternative High School, Mountain View School, and Pimmitt Hills School.

Mrs. Wescott 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. 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 school population consists of students who have been identified as being "at risk" due to serious life adversities or challenges. Students who enroll in the alternative high schools may be homeless, pregnant or teen parents, facing language barriers, combating poverty, recommended for exclusion/expulsion by the school board, or fighting drug addiction. They may be older students who are returning to finish courses to earn a high school diploma, or students who need a flexible or extended program to accommodate their work or family requirements.

Mrs. Wescott said that an increasing number of students are refugees from war-torn countries who are still recovering physically, emotionally, and psychologically from serious trauma. Many have experienced difficulties in traditional school settings as evidenced by poor academic achievement and/or a history of behavioral and disciplinary events. On average, 85 percent of the students work more than 20 hours per week due to economic need in addition to going to school. Approximately one-third of the populations at the three schools are English speakers of other languages (ESOL), and more than 34 languages are routinely spoken by the student body at each of the three schools.

Mrs. Wescott said what makes these alternative schools unique is the design of the master schedule that can allow for additional learning time, a lower student/teacher ratio, and flexibility in scheduling. The schools operate on a "modified" 4X4 schedule with rolling enrollment that allows students to enter the program approximately every two weeks.

After further study of the alternative accreditation plan proposal, the school board decided that an alternative plan would not benefit the schools at this time and asked that its earlier proposal be withdrawn (September 2004). However, in an effort to strengthen the instructional program, it would be beneficial to the school if it was relieved of the requirement to provide three course offerings in foreign language since the vast majority of the students attending the schools come in as speakers of languages other than English

and seek a Standard Diploma. The Standard Diploma does not require credit in foreign language. Thus, the school board is seeking a waiver of the requirement of 8 VAC 20-131-100.B. to provide three course offerings in foreign language. Students who wish to seek an Advanced Studies Diploma will be concurrently enrolled in another high school for foreign language instruction.

Dr. Jones made a motion to waive first review and approve the request from the Fairfax County School Board for a waiver of the requirement for a secondary school to offer a minimum of three course offerings in foreign language at three alternative high schools: Bryant Alternative High School, Mountain View School, and Pimmitt Hills School. The motion was seconded by Mrs. Castro and carried unanimously.

**First Review of Revisions of Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education's Career and Technical Education and Advanced Mathematic and Technology Seals and the Student-Selected Verified Credit**

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, Requirements for Graduation 8 VAC 20-131-50.I.3, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn a Board of Education's Career and Technical Education Seal.

Mrs. Castro made a motion to waive first review and approve the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the student-selected verified credit. The motion was seconded by Dr. Ward and carried unanimously.

A Superintendent's Memorandum will notify school divisions of additions and deletions from the approved list of industry certification, occupational competency assessments, and licenses.

**First Review of a Resolution to Grant the Superintendent of Public Instruction Authority to Approve the Issuance of Certain Licensure Requests on Behalf of the Board of Education**

Mr. Jackson presented this item. Mr. Jackson said that the *Regulations Governing the Licensure of Instructional Personnel* stipulates that the Board of Education may deny a teaching license for the following reasons: attempting to obtain license by fraudulent means or through misrepresentation of materials facts; falsification of records or documents; conviction of any felony; conviction of any misdemeanor involving moral turpitude; conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of

the Commonwealth of Virginia; revocation of the license by another state; or other good and just cause of a similar nature.

Mr. David Johnson made a motion to adopt the following amended resolution. The motion was seconded by Dr. Jones and carried unanimously.

The resolution reads as follows:

**Resolution of the Board of Education  
to Grant the Superintendent of Public Instruction Authority  
to Approve the Issuance of Certain Licensure Requests  
on Behalf of the Board of Education**

**WHEREAS**, Section 22.1-298 of the Code of Virginia grants the Board of Education the authority to prescribe the requirements for the licensure of teachers; and

**WHEREAS**, the Board of Education approves the *Regulations Governing the Licensure of Instructional Personnel*; and

**WHEREAS**, the *Regulations Governing the Licensure of Instructional Personnel* stipulate that the Board of Education may deny a teaching license for the following reasons: 1. Attempting to obtain such license by fraudulent means or through misrepresentation of material facts; 2. Falsification of records or documents; 3. Conviction of any felony; 4. Conviction of any misdemeanor involving moral turpitude; 5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia; 6. Revocation of the license by another state; or 7. Other good and just cause of a similar nature; and

**WHEREAS**, individuals who have been convicted of misdemeanors involving drugs or children must have their cases reviewed to determine if it is in the best interest of the individual and the public schools of the commonwealth to issue the license;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Education grants the State Superintendent of Public Instruction the authority to approve the issuance of licenses for individuals who have misdemeanor convictions involving drugs where, based on a review of the record of an applicant, the State Superintendent of Public Instruction finds that issuance of a license to such applicant is appropriate under the circumstances and that the applicant is otherwise qualified. No individual would be denied a license without a hearing by the Board of Education as required in Section 8 VAC 20-21-720 of the *Regulations Governing the Licensure of Instructional Personnel*.

Adopted by the Board of Education, this 23<sup>rd</sup> day of February in the Year 2005.

**First Review of a Recommendation to Continue Program Approval of the Teacher  
Education Preparation Program at Ferrum College**

Dr. Thomas Elliott, assistant superintendent, division of teacher education and licensure, presented this item. Dr. Elliott said that *The Regulations Governing Approved Programs for Virginia Institutions of Higher Education*, effective July 1, 2001, require colleges and universities that offer programs for the preparation of professional educators to obtain program approval from the Board of Education. In Virginia, review and approval of programs are viewed as the shared responsibility of institutions of higher

education, school divisions, and the Department of Education. Final approval rests with the Board of Education.

Dr. Elliott noted that during the spring of 2004, six Virginia colleges and universities were scheduled for an on-site program review. Of the six, two were reviewed using the NCATE process and four were reviewed under the Board of Education process. Ferrum College was reviewed under the Board's review procedures and with changes in personnel at the college following the review, the recommendation for action by the Advisory Board on Teacher Education and Licensure (ABTEL) was delayed in coming to the Board of Education.

Dr. Ward made a motion to waive first review and approve with stipulations the teacher preparation program at Ferrum College with a detailed report of corrective action to be submitted by the college on or before May 23, 2005, (90 days) following action by the Board. The motion was seconded by Mrs. Castro and carried unanimously.

**First Review of Praxis I Cut Scores Proposed by the Advisory Board on Teacher Education and Licensure (ABTEL)**

This item will be presented at the March Board meeting.

**REPORTS**

**Report on K-12 Legislation Considered by the 2005 General Assembly Session**

Mrs. Anne Wescott, assistant superintendent for policy and communication, presented this item. Mrs. Wescott said that the Department of Education is tracking about 150 bills and resolutions that affect K-12 education, and were introduced in the 2005 Session of the General Assembly.

Mrs. Wescott presented the following bills that would either require action by the Board of Education, or would be of interest to the Board:

**Standards of Quality and Standards of Accreditation**

- HB 1762 (Dillard) and SB 779 (Potts) are the bills containing the Board's recommended revisions to the Standards of Quality.
- SB 1045 (Wagner) would codify the provision that industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education may be substitute tests for which students may earn verified units of credit.
- SJR 403 (Wagner) would request the Board to examine the suitability of additional industry testing programs that could be used as substitute tests for students to earn verified units of credit for graduation, and determine how to increase the emphasis on career and technical education as it reviews and revises the Standards of Accreditation.

#### No Child Left Behind Act

- HB 2602 (Landes) would require the Board to examine the fiscal and other implications for the commonwealth and local governments should Virginia withdraw from participation in the federal No Child Left Behind Act.
- SB 1136 (Hanger) would require the Board to seek certain waivers to the No Child Left Behind Act in areas in which the commonwealth is already substantially in compliance with the spirit and intent of the federal act.

#### Students

- HB 1573 (Albo) would require the model Student Conduct Guidelines to address policies that would prohibit or reduce incidents of gang activity and similar illegal behavior.
- HB 1912 (Cole) would require the Board, in its Pledge of Allegiance guidelines, to include provisions addressing parental notification for minor students who decline to stand or to recite the Pledge.
- HB 2266 (Bell) and HB 2879 (Marshall) would require the model Student Conduct Guidelines to address bullying, and would require the reporting of bullying to law enforcement offices by the school divisions. Parents would be advised that they could contact local law enforcement offices for further information.
- SB 717 (Edwards) would specify that character education programs may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.
- SB 880 (Obenshain) would incorporate the concept of chronic tardiness into the compulsory school attendance law. It would require the Board of Education to promulgate regulations defining "chronically tardy" to identify those children who are in violation of compulsory school attendance by reason of being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school.

#### Teachers and Administrators

- HB 2790 (Frederick) would codify the provision that persons seeking initial licensure as teachers through an alternative route could substitute work experience for required coursework.
- HB 2832 (Marshall) would provide that a student who is a member of a school athletic team and who uses anabolic steroids, unless prescribed by a licensed physician for a medical condition, is ineligible to compete in interscholastic athletic competition for two years. It would require the Board to suspend or revoke the license issued to any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school.

- SB 979 (Potts) would allow for licensure by reciprocity for individuals with a valid out-of-state license. No professional teacher's assessment or service requirements would be required. The bill would also allow individuals who have completed a state-approved teacher preparation program from a regionally accredited four-year college or university outside the commonwealth to be eligible for licensure through reciprocity.
- SB 1285 (Whipple) would establish a goal of the commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers. The bill would also require teachers under continuing contract status to be evaluated every three years.
- SJR 428 (Watkins) would request the Board to include the mathematics specialist endorsement in the Licensure Regulations for School Personnel.

#### Other Board Matters

- HB 1769 (Dillard) would create a 23-member Commission on Civics Education, comprised of the Governor, Lieutenant Governor, legislators, executive branch officials, and citizens, and staffed by the Department of Education. The commission would (i) identify civic education projects in the commonwealth and provide technical assistance, (ii) build a network of civic education professionals to share information and strengthen partnerships, and (iii) make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government.
- SB 711 (Houck) and SB 1196 (Newman) would amend the Freedom of Information Act to reduce the notice required for electronic communication meetings from 30 days to seven working days; eliminate the 25 percent limitation on the number of electronic meetings held annually; and allow for the conduct of closed meetings during electronic meetings.
- SB 770 (Bell) would institute annual salaries of \$6,000 for members of the Board of Education and \$9,000 for the Board president, effective July 1, 2006.

The Board accepted the report on K-12 legislation considered by the 2005 General Assembly. Mr. Jackson thanked Mrs. Wescott and the department staff for their excellent work during this General Assembly session.

#### **Report from the Board of Education's Charter School Application Review Committee on a Proposed Public Charter School Application**

Mrs. Saslaw presented this item. Mrs. Saslaw said that Section 22.1-212.9 of the Code of Virginia provides that a public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The law stipulates that the board shall examine the application for feasibility, curriculum, and financial soundness. At its July 21, 2004, meeting, the Board of Education adopted a process and approved criteria for examining charter school applications. As part of the process, a committee was established to evaluate applications based on the established criteria.

Mrs. Saslaw said that the Charter School Application Review Committee met on January 19, 2005, to examine the public charter school application submitted by The Waddell International Academy in Danville, Virginia. The committee reviewed the application based on the criteria established by the Board and stipulated in the law. Mrs. Saslaw presented the summary report to the Board.

The Board accepted the report from the Board of Education's Charter School Application Review Committee on a proposed public charter school application.

**Report from the Board of Education's Student Advisory Committee**

Mrs. Castro and Mrs. Saslaw presented this item. Members of the 2004-2005 Student Advisory Committee were selected from more than 100 nominations received in October 2004 from the public middle and high schools across the state.

During the first meeting in December 2004, the members of the Student Advisory Committee discussed a broad spectrum of issues and concerns for students in the public schools across the state. The students identified three priority issues for further study. The committee was divided into three study groups, as follows:

- Issue: Student Psychological Health/Violence  
Group Members:  
Thomas Webb, Prince Edward Middle School, Prince Edward County  
Lori Lippman, Albert Hill Middle School, Richmond City  
Jessica Schatz, Courtland High School, Spotsylvania County  
Liz Chassey, Graham High School, Tazewell County
  
- Issue: Testing and Creative Instruction  
Group Members:  
Patricia Castillo, James Wood High School, Frederick County  
Ashley Beaudin, Denbigh High School, Newport News City  
Jonte' Craighead, The Gereau Center, Franklin County  
Katelyn Mendoza, Monticello High School, Albemarle County
  
- Issue: Curriculum Diversity with a Focus in the Arts  
Group Members:  
Ginny Fuller, Monacan High School, Chesterfield County  
Richard Ingebresten, Battlefield Middle School, Spotsylvania County  
Katie Logan, Luray High School, Page County  
Molly Rubin, Kempsville High School, Virginia Beach City

The committee will present its final report and recommendations to the Board at the April 20 meeting.

**Report on Status of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Required in 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), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies (SEA) to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application.

Dr. Wright said that states are permitted to revise their Consolidated State Application Accountability Workbook by submitting requests for review and approval to USED. Guidance from USED suggests an April 1 deadline for requesting changes that would impact AYP determinations in the current academic year.

At its January 19, 2005, meeting the Virginia Board of Education adopted proposed amendments to the Consolidated State Application Accountability Plan required in the *No Child Left Behind Act of 2001* (NCLB). On January 20, 2005, Mr. Jackson communicated the Board's actions to USED and asked USED to approve the requests as specific waivers permitted in Section 9401 of the federal law.

On January 28, 2005, Mr. Jackson, Dr. DeMary, and Dr. Wright met with Assistant Secretary of Education Ray Simon, and the new Secretary of Education's Chief of Staff, David Dunn, to discuss Virginia's waiver requests. During that meeting, USED officials described Virginia's requests in one of three categories: policy, regulatory, or statute. On February 1, 2005, USED sent a letter to Mr. Jackson indicating the "graduation rate" amendment to be acceptable and the "new minimum n" amendment to be acceptable with modifications.

The Board accepted the Report on Status of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Required in the *No Child Left Behind Act of 2001*.

***DISCUSSION OF CURRENT ISSUES***

**Ad Hoc Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments**

Mr. Jackson said that the 1980 General Assembly amended the Code of Virginia to require a professional teacher's assessment for initial licensure. In 1999, almost twenty years later, the General Assembly added language to the Code to require teacher preparation programs in Virginia's institutions of higher education to administer a professional teacher's assessment approved by the Board of Education as an entry requirement for prospective teachers.

Mr. Jackson said the Board of Education will establish an Ad Hoc Committee to Study and Make Recommendations to the Board Relative to Teacher Licensure Measurements. The Ad Hoc committee will represent the following:

- Members of the Board of Education;
- Members of the Virginia General Assembly;
- Members of the Advisory Board on Teacher Education and Licensure;
- The Virginia Congress of Parents and Teachers;
- The Virginia Education Association;
- The director of the State Council of Higher Education in Virginia;
- The president of an institution of higher education with an approved teacher education program;
- A local school division superintendent; and
- A school division human resources director.

Mr. Jackson said that the committee will examine the use of teacher licensure assessments in Virginia and other states and make recommendations to the Board of Education. The committee will organize and conduct its work within the next three months and bring its recommendations to the Board of Education during its regular meeting on June 22, 2005.

#### Video Highlighting Foreign Language Programs in Virginia

Dr. DeMary said that as part of the celebration of 2005 as the Year of Languages, the Virginia Department of Education has developed a video to highlight foreign language programs in the commonwealth. The video is entitled *Building Our Strength Through Languages: Investing in the Future*. Each Board member received a copy of the video.

#### Board Dinner Meeting

The Board met for dinner at the Crowne Plaza Hotel on February 22, 2005. Present were Mr. Jackson, Mrs. Castro, Mr. Emblidge, Mr. David Johnson, Mr. Thomas Johnson, Dr. Jones, Mr. Rotherham, 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 Career and Technical Education, Mr. Jackson adjourned the meeting at 12:00 p.m.

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President

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Secretary