

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

September 21, 2005

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

Mr. Thomas M. Jackson, Jr., President	Dr. Gary L. Jones
Dr. 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, Superintendent

Mr. Jackson, president, presided and called the meeting to order at 9:18 a.m.

***MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE***

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

***APPROVAL OF MINUTES***

Mr. Rotherham made a motion to approve the minutes of the July 27, 2005 meeting of the Board. The motion was seconded by Dr. Jones and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

***PUBLIC COMMENT***

The following persons spoke during public comment:

Dan Zacharias	Richard Koch
Patricia Lemley	Fred Yates
Brenda Gilman	Delegate Chris Saxman
Dr. Andrea Hamos	J. Cline
Virgil Cook	Pat Schoemaker
Rachel Bavister	

**CONSENT AGENDA**

Dr. Jones made a motion to adopt the following items on the consent agenda. The motion was seconded by Dr. Ward and carried unanimously.

- Final Review of Financial Report on Literary Fund
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List
- First Review of Notice of Intended Regulatory Action (NOIRA) to Amend the Regulations Governing Secondary School Transcripts (8 VAC 20-160-10 et seq.)
- Final Review of Proposed Legislation Related to the Recommendation of the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments

**Final Review of Financial Report on Literary Fund**

The Department of Education’s recommendation to approve the financial report (including all statements) on the status of the Literary Fund as of June 30, 2005, was approved with the Board’s vote on the consent agenda.

**Final Review of Recommendations Concerning Applications for Literary Fund Loans**

The Department of Education’s recommendation to approve two applications in the amount of \$11,000,000 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
Halifax County	Halifax Middle	\$7,500,000.00
Henry County	Carver Elementary	3,500,000.00
	TOTAL	\$11,000,000.00

**Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List**

The Department of Education’s recommendation to approve the actions described in the following five elements was approved with the Board’s vote on the consent agenda:

1. Two new projects, totaling \$11,000,000, are eligible for placement on the First Priority Waiting List, subject to review and approval by the Office of the Attorney General pursuant to § 22.1-156, Code of Virginia.

2. When Roanoke City received the bids on the Westside Elementary School project, the bids were higher than the projected amount. Roanoke City has submitted a revised application for the project as follows:

	Original	Revised	Difference
Westside Elementary	\$ 3,100,000	\$3,850,000	\$750,000
3. Hanover County submitted a letter dated July 20, 2005, requesting that one project (Stonewall Jackson Middle School) be removed from the First Priority Waiting List. The school board has acquired funding from sources other than the Literary Fund for this project.
4. King William County submitted a letter dated August 1, 2005, requesting that one project (King William High School) be removed from the First Priority Waiting List. The school board has acquired funding from sources other than the Literary Fund for this project.
5. Two projects submitted by Accomack County (Arcadia Middle and Nandua Middle) have been moved to priority numbers 26 and 27. This move is to reflect where the projects actually should have been placed on the waiting list.

The Department of Education's recommendation for projects on the First Priority Waiting List to be deferred because no funds are available was approved with the Board's vote on the consent agenda.

**First Review of Notice of Intended Regulatory Action (NOIRA) to Amend the Regulations Governing Secondary School Transcripts (8 VAC 20-160-10 et seq.)**

The Department of Education's recommendation to waive first review and authorize staff to proceed with the requirements of the Administrative Process Act regarding the Notice of Intended Regulatory Action for promulgating regulations was approved with the Board's vote on the consent agenda.

**Final Review of Proposed Legislation Related to the Recommendation of the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments**

The Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessments recommended that the Board of Education prescribe the following professional teacher's examination for initial licensure in Virginia:

1. Literacy and Communications Skills Assessment;
2. Praxis II (content assessment); and
3. Virginia Reading Assessment (if applicable).

The steps necessary to implement the Special Committee's recommendation were set forth at the June 22, 2005 meeting. Amendments to the Code of Virginia are necessary in order to clarify that an individual must take an assessment of basic skills

(Praxis I, SAT, or ACT) in order to be admitted into an education preparation program, and that professional teacher's assessments (Literacy and Communications Skills Assessment; Praxis II (content assessment); and if, applicable, the Virginia Reading Assessment) are required for licensure.

The Department of Education's recommendation to approve the legislative proposal was approved with the Board's vote on the consent agenda. The legislative proposal includes the following changes:

- The current provisions, as found in § 22.1-298 and § 23-9.2:3.4 would be reorganized and edited for clarity.
- A new section, § 22.1-298.1, would be added to address regulations governing education preparation programs. The current § 22.1-298 would address regulations governing licensure.
- A definition section would be added to § 22.1-298 and § 22.1-298.1.
- The definitions would differentiate between assessments of basic skills (Praxis I, SAT, or ACT) that must be taken prior to admission into an approved education preparation program, and professional teacher's assessments (Literacy and Communications Skills Assessment; Praxis II (content assessment); and, if applicable, the Virginia Reading Assessment) required for licensure.
- Language would clarify that licensure by reciprocity does not require the individual to take and pass a basic skills assessment, but professional teacher's assessments would be required.
- There is a provision to allow the Board to prescribe other provisions for reciprocity in its regulations.
- Language would specify that approved education preparation programs must meet the requirements for both accreditation and program approval.
- The current provision that would prohibit an approved education preparation program from denying a candidate for admission into the program solely on the basis of failing the basic skills assessment would be amended. The revised language would permit approved education preparation programs to deny admission to a candidate who fails the basic skills assessment. However, if the candidate is enrolled in the program, the candidate must be given the opportunity to address any deficiencies.

Two additional changes include the following:

- At line 176, the sentence would be deleted and a new sentence inserted at line 179. The original sentence would be reorganized and the phrase "and a procedure" would be deleted. Administrative procedures are not matters of policy, and are generally not included in regulations. When administrative procedures are specified in regulations, changes cannot be readily made to adapt to new processes and technologies.

- On line 233, the phrase “if enrolled in such program” would be deleted because it is duplicative.

The Board of Education will request the General Assembly to consider the proposed legislation during the 2006 Session.

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

#### ***First Review of Proposed Regulations Governing the Review and Approval of Education Programs in Virginia (8 VAC 20-542-10 et seq.)***

Dr. Thomas Elliott, assistant superintendent for teacher education and professional licensure, presented this item. Dr. Elliott said that as stipulated in Section 22.1-298 of the Code of Virginia, the Board of Education prescribes the requirements for the licensure of teachers and establishes other requirements for teacher preparation.

During the 1998 Session of the Virginia General Assembly, an amendment to current legislation mandated that “persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institution have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education.”

Dr. Elliott said that the program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of prek-12 schools. Due to significant proposed revisions to the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education* (8 VAC 20-541-10 et. seq.) effective July 1, 2001, the Board of Education proposes to promulgate new *Regulations Governing the Review and Approval of Education Programs in Virginia* (8 VAC 20-542-10 et. seq.).

The Advisory Board on Teacher Education and Licensure (ABTEL) is authorized to review and make recommendations to the Board of Education on teacher education program approval. Final authority for program approval rests with the Board of Education. At its May 11, 2005, meeting, ABTEL voted unanimously that revisions to the program approval process should include separation of the accreditation process from the program approval process and that regulations focused on measures of accountability be developed. During its September 12, 2005 meeting, ABTEL voted to support the proposed regulations for submission to the Board of Education.

Dr. Elliott discussed the proposed *Regulations Governing the Review and Approval of Education Programs in Virginia* (8 VAC 20-542 –10 et seq.).

The Board requested staff to change the language in 8VAC20-542-50 to replace the term “critical mass.” This topic was temporarily tabled to give staff time to devise the necessary change. After staff presented revised language, Dr. Ward made a motion to

adopt the amendment. The motion was seconded by Mrs. Castro and carried unanimously. Dr. Ward made a motion to authorize the Department of Education personnel to proceed with the requirements of the Administrative Process Act. The motion was seconded by Dr. Jones and carried unanimously.

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

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that House Bill 1294, passed by the General Assembly and signed into law on April 15, 2004, amended § 22.1-253.13:8 of the Code of Virginia to give 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 included a second enactment clause specifying: "That the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment."

Mrs. Wescott said that the proposed permanent regulations do not deviate substantially from the emergency regulations currently in effect. However, as a result of the department's experience with reviews conducted during the 2004-2005 school year, some changes were necessary to provide more flexibility to tailor reviews to the perceived needs of school divisions chosen for reviews in the future. The proposed changes include the following:

- The proposed regulation would remove the requirement that the school division be "in improvement" status under federal law and instead would permit the Board to review the overall accountability status of school divisions instead of only those designated as "in improvement." Individual schools in the divisions may be underperforming but the division not designated as being "in improvement."
- The proposed revisions to the Board's accrediting standards for public schools include new ratings that may be awarded schools that are not fully accredited. The proposed language would not restrict the Board from considering school divisions that have low performing schools rated other than "accredited with warning."
- Some of the detailed structure of the review would be removed. The proposed regulation provides greater flexibility to the Board of Education and Department of Education to construct reviews to meet the perceived need of the school division being reviewed.
- The proposed regulation would require that the local school board hold a public hearing on the improvement plan prior to submitting it to the Board of Education and to make periodic reports on its actions to the public in addition to submitting reports to the Board of Education.

Dr. Jones made a motion to waive first review and approve the proposed regulations for conducting division-level academic reviews and authorize the personnel 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.

The Department will notify local school divisions and the public of the provisions in the proposed regulations and submit final regulations to the Board for approval following public comment and completion of appropriate stages required by the Administrative Process act.

**First Review of Options Prepared by Trammell Crow Under the Public-Private Education Facilities and Infrastructure Act (PPEA) for the Consolidation of the Virginia Schools for the Deaf and the Blind (VSDB)**

Mr. Dan Timberlake, assistant superintendent for finance, assisted by Mr. Raymond E. Goins of Trammell Crow Company, presented this item. Mr. Timberlake said that the 2005 General Assembly took action to continue the process for consolidating the two schools for the deaf and the blind into a single school at a single location. The actions taken in the 2005 Session followed actions taken in two previous sessions. The two previous actions by the General Assembly created a task force to study the issues related to the consolidation of the two schools and then to conduct a feasibility study.

The 2003 General Assembly charged the Board of Education with responsibility for forming and conducting the work of the task force and for reporting its findings to the 2004 General Assembly. This task force, led by former Board of Education member Scott Goodman, submitted its findings to the 2004 General Assembly in a report titled, *Plan for Consolidating Services for the Deaf and/or Blind and Multi-Disabled Students Served by Virginia's Two Schools at Staunton and Hampton*.

Based on those findings, the 2004 General Assembly directed the Secretary of Education (et al.) to conduct a feasibility study. The results of that feasibility study were presented to the 2005 General Assembly and are the basis of the latest actions of the General Assembly taken at their 2005 session.

The latest action by the General Assembly follows the findings of the feasibility study and requires further action by the Board of Education to make decisions about the process for consolidation including site selection and the method for achieving the capital requirements necessary to consolidate the schools. The newest requirements placed on the Board of Education are described in language in the appropriation act, Chapter 951, 2005 Acts of Assembly.

At the Board's planning session in April 2005, staff presented the requirements contained in the appropriation act and outlined the process that the department would follow in order to position the Board with as much information as possible to make the

decisions required by the appropriation act. The most immediate Board action stipulated in the appropriation act required the Board to make decisions about the location of a consolidated school and whether or not to pursue a process for obtaining a single school through the Public-Private Education Facilities and Infrastructure Act (PPEA).

Following the April planning session, department staff worked with the Department of General Services (DGS) to solicit proposals under the PPEA for a vendor that could deliver a facility that met the program requirements outlined in the feasibility study and that would permit the two schools to be consolidated into one as directed by the General Assembly. At its July 2005 meeting, the Board decided to utilize the PPEA process and selected Trammell Crow Company as the vendor with which the PPEA process would continue.

The Board took further action to direct Trammell Crow Company to prepare estimates of cost for various sites and to present those estimates at the September 2005 meeting. Specifically, the motion adopted by the Board stated:

*“The Board adopts the Trammell Crow proposal and authorizes the Department of Education and Department of General Services to move forward with Trammell Crow to examine option/s for the following:*

- 1. Renovation and/or construction of a new facility at Staunton.*
- 2. Renovation and/or construction of a new facility at Hampton.*
- 3. Construction of a new facility at alternate locations as in accordance with the guidelines for the new facility in the Department of Education Feasibility Study.*

*The ultimate decision will come back to the Board to make a selection among the options.”*

Mr. Timberlake said that since the July Board meeting, department staff, DGS staff, and Trammell Crow have met numerous times to develop the information requested by the Board. Mr. Goins assisted by Roger Richardson and John Dickerson presented the results of their work and offered options for sites where the two schools could be consolidated and the costs associated with those options. They also responded to questions related to their work. Following are the cost estimates presented by Trammell Crow:

Richmond Metro Area - \$84,158,402  
Charlottesville Metro Area - \$88,908,402  
Staunton - \$94,871,159  
Hampton - \$88,000,984

Dr. Ward made a motion to present findings of cost estimates from Trammell Crow along with comments from the Board to the Appropriations and Finance Committees and ask for further instruction from the General Assembly. The motion was seconded by Mrs. Castro and carried unanimously.



**First Review of Request to Extend Approval of an Alternative Accreditation Plan from Chesterfield County Public Schools**

Mrs. Wescott introduced Dr. Billy Cannaday, superintendent of Chesterfield County Public Schools, and Mrs. Melissa Marshall, principal of Perrymont Middle School.

Mrs. Marshall gave an update of the progress of the alternative program at Perrymont Middle School. Perrymont Middle School is an alternative school that serves students who have fallen significantly behind academically. The objective of the program is to prepare students in the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades who are significantly behind in academic and behavioral fundamentals to enter and complete high school. The program of instruction includes the following components:

- The focus is on reading, writing, and mathematics; history and science instruction is embedded in instruction in reading, writing, and mathematics;
- Students are taught study skills and self-management skills;
- The school day is longer (6 ½ hours); and
- The pupil-teacher ratio is currently 12:1.

Dr. Jones made a motion to waive first review and approve the request to extend the alternative accreditation plan for three years at Perrymont Middle School. The motion was seconded by Mrs. Saslaw and carried unanimously.

**First Review of the Report on the No Child Left Behind Act State and Local Studies (HB 2602 and SB 1136, 2005 General Assembly)**

Mrs. Michelle Vucci, director of policy, and Dr. Robert Palaich, vice president of Augenblick, Palaich and Associates, Inc., presented this item.

The 2005 General Assembly required the Board of Education to examine the fiscal and policy implications for the state and local school divisions in the event that Virginia continues its compliance with or withdraws from participation in, NCLB. The Board's findings are to be conveyed to the House Education and Appropriations committees and to the Senate Education and Health and Finance committees no later than October 1. When this mandate was issued, Department of Education was already under way with its cost analysis, primarily because of its participation in a consortium of state departments of education, sponsored by the Council of Chief State School Officers (CCSSO). The CCSSO contracted with Augenblick, Palaich and Associates (APA) to develop a model framework for states and school divisions to use to determine the activities and costs to implement NCLB. Virginia used this model framework and also contracted with APA for assistance on both studies.

Both the state and local Virginia reports discuss the implementation of NCLB in the context of the Commonwealth's well-established existing system of assessment,

accountability and support. Consistent with the APA/CCSSO framework, both studies only identify estimated costs that would not exist without NCLB. The measurement period for the study ranges from 2003-2004 to 2007-2008.

Both the state and local reports include a cost to revenue comparison. For both Virginia reports, the revenue base examines only NCLB directly-related federal revenues as identified by the U.S. Department of Education (USED), not other federal revenues such as the federal Individuals with Disabilities Education Act (IDEA). The projected revenues are also based upon state/federal fiscal year award amounts and do not take into consideration those federal grants carried over as unexpended in post-award years.

The state report uses 2004-2005 as the base year for analysis. Cost drivers for the state report include: 1) testing requirements for new grades and for students needing accommodations; 2) the administration of NCLB and Title programs (including the Reading First program); 3) high quality educators, and 4) technical assistance. The costs included in the state report include an accounting for 23 additional federally-funded positions authorized by the 2005 General Assembly specifically for NCLB.

Eight school divisions, one from each region, agreed to participate in the local cost study. These divisions are: 1) Albemarle County; 2) Fairfax County; 3) City of Fredericksburg; 4) Halifax County; 5) Henrico County; 6) City of Norfolk; 7) Roanoke County; and 8) Washington County. These divisions comprise approximately 14 percent of all Title I schools and contained almost one-fourth of Virginia's total student population for the 2003-2004 school year, which is the base year for this study. APA, working with the department, collected base year cost data for these school divisions and used these data to build a statistical model that extrapolates statewide cost estimates.

Mr. Emblidge made a motion to waive first review and authorize the department to submit these reports to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005, as required by HB 2602 and SB 1136. The motion was seconded by Dr. Jones and carried unanimously. Mr. Rotherham amended the motion to direct staff to add additional information to the executive summary. The motion was second by Dr. Jones and carried unanimously.

### **First Review of the Direct Aid to Public Education Budget for the 2006-2008 Biennium**

Mr. Timberlake presented this item. Mr. Timberlake said that in the summer of each odd-numbered year, the Direct Aid to Public Education budget is re-benchmarked for the next biennium. This re-benchmarking is part of the biennial budget development process that involves the Board of Education, the Governor, and the General Assembly. The re-benchmarked budget represents the state cost of continuing the existing Direct Aid to Public Education programs with updates in the input data used to determine the cost of the programs.

The cost projections Mr. Timberlake presented represent changes in funding based on standard technical revisions made to Direct Aid accounts for each year of the 2006-2008 biennium. These cost projections do not reflect any changes in policy or technical methodology. The projections are based strictly on current approved methodologies or changes specifically approved and directed by the General Assembly and the Governor. The budget figures presented in this item represent the state cost of continuing the current Direct Aid programs in the 2006-2008 biennium with the required revisions and updates to input data using the approved funding methodologies.

Dr. Jones made a motion to waive first review and adopt the proposed budget that continues current Direct Aid programs in the 2006-2008 biennium re-benchmarked on standard technical revisions without proposed changes in funding policy and that staff be directed to update and revise costs as additional technical revisions are completed consistent with the current funding methodology and policy adopted by the Board. The motion was seconded by Dr. Ward and carried unanimously.

The Department will submit the re-benchmarked budget for Direct Aid accounts to the Governor together with the remaining policy changes to the SOQ that were adopted by the Board in June 2003. Those policy changes were re-estimated using the same data and assumptions used in the re-benchmarked Direct Aid budget.

**Final Review of the Board of Education's Comprehensive Plan: 2005-2010**

This item was presented by Dr. Margaret Roberts, executive assistant to Board of Education. The Board of Education's Six-Year Plan: 2003-2008 was adopted in January 2003, and is currently in effect. The document describes the Board's current priorities. In addition to detailing the Board of Education's priorities, the Six-Year Plan: 2003-2008 contains timelines and activities related to implementing the various components of the priorities. Since the six-year plan was adopted in January 2003, many of the activities associated with the priorities have been completed or are now substantially underway.

Dr. Roberts reported that at its annual planning session in April 2005, the Board of Education engaged in an in-depth discussion related to revising and updating the current six-year plan, as required by the Code. During the discussion, which was led by Ms. Brenda Welburn, executive director of the National Association of State Boards of Education (NASBE), the Board of Education members identified critical issues and needs for public education in Virginia. In addition to the needs and priorities identified in the current six-year plan, the Board identified emerging critical issues.

Dr. Ward made a motion to approve the final Comprehensive Plan: 2005-2010. The motion was seconded by Mrs. Saslaw and carried unanimously.

The comprehensive plan will be posted on the Board of Education's Web page. In addition, department staff will work closely with the Board's various advisory committees to obtain recommendations to assist the Board in implementing its objectives

as outlined in the comprehensive plan. The comprehensive plan will be updated in 2007, as required by the Code of Virginia.

**First Review of of the 2005 Annual Report on Public Charter Schools in the Commonwealth of Virginia**

Mrs. Diane Jay, specialist, office of program administration and accountability, presented this item. Mrs. Jay said that Section 22.1-212.11 of the Code of Virginia, as amended, requires local school boards to report the number of public charter school applications that were approved and denied to the Virginia Board of Education on an annual basis.

Mrs. Jay said that the Department collected information on the number of charter school applications approved and denied by local school boards through a Superintendent's Memorandum dated June 3, 2005. Additional information was collected through an annual evaluation report submitted for 2004-2005 by each of the public charter schools operating in the state. The report contains the results of those data collections and an external evaluation of the public charter schools in Virginia. Since the initial state legislation for charter schools was passed in 1998, eight charter schools in eight school divisions have been approved. Five of these schools continued to operate during the 2004-2005 school year. Information collected from school division superintendents in June 2005 revealed that no new charter school applications were approved or denied during 2004-2005. Two of the five charter schools operating during 2004-2005 have reported closing as charter schools at the end of the 2004-2005 school year.

Mrs. Saslaw made a motion to waive first review and approve the 2005 Annual Report on Charter Schools in Virginia. The report will be forwarded to the Governor and the General Assembly as required by §22.1-212.15, Code of Virginia.

**First Review of Modifications to the School-Level Academic Review Process**

Mrs. Kathleen Smith, director of the office of school improvement, presented this item. Mrs. Smith said that the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) require a school to be rated "accredited with warning (in specified academic area or areas)" if its pass rate performance on any SOL test is below any of the full accreditation benchmarks established by the Board (8 VAC 20-131-300.C.4). Any school rated accredited with warning must undergo an academic review in accordance with guidelines adopted by the Board of Education (8 VAC 20-131-340.A).

In the proposed modifications to the academic review process guidelines, the school-level review continues to focus on the development, monitoring, and implementation of the school improvement plan. In the first year, the academic review team will conduct an on-site review and assist the school in identifying areas of need and

writing an effective three-year school improvement plan. In the second year, a school support team will provide technical assistance to the school to modify, monitor, and implement the school improvement plan. This assistance will continue until the school is no longer warned.

The school-level academic review process is tailored to meet the unique needs and circumstances presented by the school. The first year that a school is rated “accredited with warning,” the Department assigns the school to one of three academic review “tiers” based on the circumstances of the school. An academic review team, either state or locally directed, will conduct an on-site review and assist the school in identifying areas of need and writing an effective three-year school improvement plan. Concurrent with developing a school improvement plan, priority assistance is prescribed by the academic review team and approved by the Department of Education for immediate delivery.

If the school is not fully accredited in the year following the academic review team visit, the Department will assign the school to a level of intervention (technical assistance and support) and identify a school support team to provide technical assistance. The school support team will continue to provide technical assistance until the school is no longer warned.

Dr. Jones made a motion to waive first review and approve modifications to the school level academic review process guidelines as required in 8 VAC 20-131.346.A. The motion was seconded by Mr. David Johnson and carried unanimously.

### **First Review of Updates to the Student Conduct Policy Guidelines**

Dr. Cynthia Cave, director, office of student services, presented this item. 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, as reflected in § 22.1-279.6 of the Code.

The guidelines were revised in 2001 and again in 2004 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. 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.

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

The revisions to the *Student Conduct Policy Guidelines* include the following:

- “Gang-related activity” and “bullying” have been added to reflect requirements.

- The requirement of Code § 22.1-208.01, as amended, that school division character education programs must address bullying, has been added.
- A section on “stalking” has been added.
- Language referencing “knives with blades less than three inches” has been deleted and replaced with clarifying language.
- “Stalking” has been added to the list of offenses required to be reported to law enforcement.
- Additions have been made to address requirements for reporting of incidents to the Virginia Department of Education and for notification of parents.
- Changes to the Code are shown in the appendix referencing “gang-related activity” and “bullying.”

### **First Review of Remediation Recovery Guidelines**

Mrs. Shelly Loving-Ryder presented this item. Mrs. Loving-Ryder said that the Regulations Establishing Standards for Accrediting Public Schools in Virginia permit students who have failed certain Standards of Learning (SOL) tests to participate in remediation recovery programs.

To comply with the requirements of the federal *No Child Left Behind Act of 2001*, beginning with the 2005-2006 school year, annual Standards of Learning tests in reading and mathematics will be administered to students in grades 3-8. Based on the current remediation recovery guidelines, students who fail a reading or mathematics test in grades 3 or 5 and participate in a remediation recovery program would retake the failed test as well as taking the reading and mathematics tests for grade 4 or grade 6.

Mrs. Loving-Ryder said the Board of Education’s adoption of the revisions to the *Guidelines Governing Regulations Establishing Standards for Accrediting Public Schools in Virginia* will: 1) avoid double testing for students participating in remediation recovery programs, and 2) clarify the inclusion of scores of students participating in remediation in the pass rates used for accrediting schools. The proposed revisions would be in effect for the 2005-2006 school year only. A complete revision to the guidelines will be required once the revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* are approved by the Board.

Dr. Jones made a motion to accept the proposal on first review. The motion was seconded by Mr. Rotherham and carried unanimously.

### **First Review of Proposed Criteria for Implementing Experiential Learning Credits for Alternate Route Applicants Seeking Initial Licensure**

Dr. Elliott presented this item. Dr. Elliott said that the 2005 General Assembly approved House Bill 2790 requiring that the Board of Education, in its regulations governing teacher licensure, establish criteria and a procedure to allow persons seeking

initial licensure as teachers through an alternative route as defined by Board regulations to substitute experiential learning in lieu of coursework.

On June 22, 2005, the Board of Education approved the technical revision to incorporate House Bill 2790 language into the *Regulations Governing the Licensure of School Personnel* and authorized personnel of the Department of Education to proceed with the requirements of the Administrative Process Act. The Administrative Process Act exempts revisions to regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved from its requirements.

The Board received Criteria for Implementing Experiential Learning Credits for Alternate Route Applicants Seeking Initial Licensure for first review.

***First Review of a Proposal to Withhold School Accreditation for 2005-2006 for Nandua High School in Accomack County and Oak Grove Elementary in Richmond City***

Mrs. Loving-Ryder presented this item. Mrs. Loving-Ryder said that in the spring of 2005 serious irregularities in the administration of the Standards of Learning (SOL) tests were reported at Nandua High School in Accomack County and Oak Grove Elementary School in Richmond City. In both cases the irregularities impacted the integrity of SOL test scores. At Nandua High school copies of unreleased SOL test booklets from 1998 to 2001 were provided to teachers to use in preparing students for the tests. At Oak Grove Elementary School, school personnel modified students' answers for the spring 2005 test administration.

Mrs. Saslaw made a motion to waive first review and adopt the proposal to withhold the accreditation of Nandua High School in Accomack County and Oak Grove Elementary in Richmond City for the 2005-2006 school year. The motion was seconded by Mr. Rotherham and carried unanimously.

***REPORTS***

***23<sup>rd</sup> Annual Report from the Virginia Advisory Committee for the Education of the Gifted***

Dr. Barbara McGonagill, specialist of governor's school and gifted education, introduced Mrs. Gail Hubbard, chair of Virginia Advisory Committee for the Education of the Gifted. Mrs. Hubbard presented the 23rd Annual Report to the Board.

Mrs. Hubbard said that in September 2001, the Board asked VACEG to develop a technical assistance document to support school divisions in the planning process for gifted education services. The VACEG initiated a comprehensive four-year work plan to develop a reference guide to assist school divisions in developing, implementing, and evaluating plans for the education of the gifted.

Mrs. Hubbard explained the committee's development of its *Reference Guide for the Development and Evaluation of Local Plans for the Education of the Gifted* to assist school divisions as they draft their 2005-2010 or 2006-2011 local plans. The reference guide's first two sections, identification and professional development, were presented to the 2003 Virginia Board of Education in the 21st Annual Report. During the 2003-2005 terms, the remaining templates for the reference guide covering curriculum development, delivery of services, and parent and community involvement were completed.

The Board received the 23<sup>rd</sup> Annual Report submitted by the Virginia Advisory Committee for the Education of the Gifted.

### ***DISCUSSION OF CURRENT ISSUES***

There was no discussion on current issues.

### ***ADJOURNMENT***

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Jackson adjourned the meeting at 1:49 p.m.

### ***Public Hearing on Proposed Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice (8 VAC 20-660-10 et seq.)***

The following persons spoke during public comment. Three persons chose not to give their last names.

Aileen  
Anna Jane  
Adrienne  
Andrew Block

The public hearing adjourned at 2:04 p.m.

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President

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Secretary