

COMMONWEALTH of VIRGINIA

Board of Education Agenda

Date of Meeting: January 10, 2007

Time: As Shown

Location: Jefferson Conference Room, 22nd Floor, James Monroe Building
101 North 14th Street, Richmond, Virginia



9:00 a.m. FULL BOARD CONVENES

Moment of Silence

Pledge of Allegiance

Approval of Minutes of the November 29, 2006, Meeting of the Board

Resolutions/Recognitions

- Recognition of Roanoke County Public Schools and Hanover County Public Schools, the First In Virginia to Receive the District Accreditation Designation by the Council on Accreditation and School Improvement, a Division of the Southern Association of Colleges and Schools
- Recognition of Virginia's Recipient of the 2006-2007 NEA Foundation Award for Teaching Excellence: Ms. Virginia Neil, Highland High School, Highland County Schools (presentation will be made in conjunction with the Virginia Education Association)
- Recognition of Ms. Bethann Canada, Director of Educational Information Management at the Virginia Department of Education, as the Recipient of the 2006 Data Quality Campaign Award

Public Comment

Consent Agenda

- A. Final Review of Financial Report on Literary Fund
- B. Final Review of Recommendations Concerning Applications for Literary Fund Loans
- C. Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Fund or Placement on a Waiting List

Action/Discussion Items

- D. First Review of Proposed Addition to Board-Approved List of Supplemental Educational Services Providers Under the *No Child Left Behind Act of 2001*
- E. First Review of Final Report to the Governor and General Assembly on the Analysis of Statewide Data Relating to the Requirements for Obtaining a High School Diploma for Students with Limited English Proficiency (LEP)
- F. Final Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan under the *No Child Left Behind Act of 2001*
- G. First Review of Timeline for the Review of Health Education, Physical Education and Driver Education Standards of Learning
- H. First Review of Timeline for the Review of History and Social Science Standards of Learning
- I. First Review of Recommended Cut Scores for the SAT I Writing Test When Used as Substitute Test for the Standards of Learning End-of-Course English: Writing Test
- J. First Review of a Request to Authorize the Department of Education to Conduct Studies to Determine Factors Contributing to Success in Postsecondary Education
- K. First Review of Transmittal of Report on Family Life Education Survey as Requested by Senate Joint Resolution (SJR) 171

DISCUSSION OF CURRENT ISSUES - by Board of Education Members and Superintendent of Public Instruction

EXECUTIVE SESSION

ADJOURNMENT

IMMEDIATELY FOLLOWING ADJOURNMENT OF BUSINESS SESSION:

- L. Public Hearing on Proposed *Regulations Governing Secondary Transcripts*

PUBLIC NOTICE

The Board of Education members will meet for dinner at 6:30 p.m. at the Crowne Plaza Hotel on Tuesday, January 9, 2007. Items for the Board agenda may be discussed informally at that dinner. No votes will be taken, and it is open to the public. The Board president reserves the right to change the times listed on this agenda depending upon the time constraints during the meeting.

GUIDELINES FOR PUBLIC COMMENT

1. The Board of Education is pleased to receive public comment at each of its regular monthly meetings. In order to allow the Board sufficient time for its other business, the total time allotted to public comment will generally be limited to thirty (30) minutes. Individuals seeking to speak to the Board will be allotted three (3) minutes each.
2. Those wishing to speak to the Board should contact Dr. Margaret Roberts, Executive Assistant for Board Relations at (804) 225-2924. Normally, speakers will be scheduled in the order that their requests are received until the entire allotted time slot has been used. Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to insure that the Board hears from different points of view on any particular issue.
3. Speakers are urged to contact Dr. Roberts in advance of the meeting. Because of time limitations, those persons who have not previously registered to speak prior to the day of the Board meeting cannot be assured that they will have an opportunity to appear before the Board.
4. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

Board of Education Agenda Item

Item: _____ A. _____

Date: January 10, 2007

Topic: Final Review of Financial Report on Literary Fund

Presenter: Mr. Kent C. Dickey, Budget Director

Telephone Number: (804) 225-2025 E-Mail Address: Kent.Dickey@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by

State or federal law or regulation

Board of Education regulation

Other: _____

Action requested at this meeting Action requested at future meeting: _____ (date)

Previous Review/Action:

No previous board review/action

Previous review/action

date _____

action _____

Background Information:

In accordance with the provisions of the *Code of Virginia*, Chapter 10, Section 22.1-142, the Board of Education is responsible for the management of the Literary Fund. This report reflects the status of the Literary Fund and the status of the Reserve Fund, which is in the custody of the Virginia Public School Authority (VPSA). The report also reflects the total principal of the fund, as well as cash, investments, and all short-/long-term loans in both funds.

Summary of Major Elements

Attachment A reflects the financial position of the Literary Fund as of September 30, 2006. The information presented in this report reflects the commitments against the Literary Fund as of September 30, 2006.

Attachment B reflects the currently active projects as of December 31, 2006.

Attachment C represents the projects that have closed and for which full payment from the Literary Fund has been made since the last Board meeting.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends approval of the financial report (including all statements) on the status of the Literary Fund as of September 30, 2006.

Impact on Resources:

As funds become available in the Literary Fund, recommendations will be made to the Board for funding priority projects and those projects at the top of the First Priority Waiting List, with cash reduced as loan requests are processed.

Timetable for Further Review/Action:

The Department staff will prepare a quarterly financial report on this fund for Board approval. Information also will be presented each quarter, as part of another agenda item, regarding those projects on the two waiting lists.

BOARD OF EDUCATION
STATEMENT OF THE FINANCIAL POSITION OF THE LITERARY FUND
(as of September 2006)

| Line Reference | | <u>September 30, 2006</u> | <u>August 31, 2006</u> | <u>Increase/(Decrease)</u> |
|-------------------|---|---------------------------|------------------------|----------------------------|
| | PRINCIPAL BALANCE | | | |
| 1. | Cash and investments maintained by State Treasurer | 147,616,907 | 137,244,957 | 10,371,950 |
| 2. | Loans received from local school boards (secured by promissory notes) | 0 | 0 | 0 |
| 3. | Cash and investments in custody of Virginia Public School Authority (VPSA) | 0 | 0 | 0 |
| 4. | Long-term loans in custody of Virginia Public School Authority (VPSA) | 335,797,035 | 338,218,616 | (2,421,581) |
| 5. | Total Principal of Literary Fund | 483,413,942 | 475,463,573 | 7,950,369 |
| | CURRENT COMMITMENTS AGAINST LITERARY FUND REVENUE | | | |
| 6. | Balance due on active projects (Attachment B) | 1,135,015 | 1,201,840 | (66,825) |
| 7. | Debt service on VPSA equipment notes ¹ | 62,614,094 | 62,614,094 | 0 |
| 8. | Interest rate subsidy ² | 15,000,000 | 15,000,000 | 0 |
| 9. | Trigon Reserve | 5,657,429 | 5,657,429 | 0 |
| 10. | Transfer for Teacher Retirement ³ | 115,854,700 | 115,854,700 | 0 |
| 11. | Other Encumbrances held by Treasurer of Virginia | 10,234 | 10,234 | 0 |
| 12. | Required Carry Forward Balance (Updated based on Chapter 2) | 81,073,136 | 81,073,136 | 0 |
| 13. | Total of Literary Fund Commitments | 281,344,609 | 281,411,433 | (66,825) |
| | FUNDS AVAILABLE FOR CURRENT COMMITMENTS AND NEW LOANS | | | |
| 14. | Cash and investments maintained by State Treasurer (Line 1) | 147,616,907 | | |
| 15. | Less commitments against Literary Fund Revenues (Line 13) | (281,344,609) | | |
| 16. | Balance Available to Fund New Projects Currently on Waiting List - (Additional Funds Needed to Meet Commitments) | (133,727,701) | | |

NOTES:

¹ Chapter 10 approved October 25, 2006, requires \$62,614,094.44 to be set aside for debt service on equipment notes.

² Chapter 10 approved October 25, 2006, requires \$15,000,000 to be set aside for an interest rate subsidy program.

³ Chapter 10 approved October 25, 2006, requires \$115,854,700 to be transferred from the Literary Fund to pay teacher retirement in fiscal year 2007.

ACTIVE PROJECTS AS OF DECEMBER 31, 2006

| Application Number | School Division | School | Release Date | Funds Approved for Release | Actual Funds Disbursed | Balance Due | Percent Drawn |
|-----------------------|--------------------|---------------------------|--------------|----------------------------|------------------------|---------------------|---------------|
| Literary Loans | | | | | | | |
| <i>No Projects</i> | | | | | | | |
| Subsidy Grants | | | | | | | |
| 11062 | Chesapeake City | Butts Road Intermediate | 2001 Subsidy | 85,594 | (77,881) | 7,713 | 90.99% |
| 11102 | Washington County | Rhea Valley Elem | 2001 Subsidy | 168,673 | (165,235) | 3,438 | 97.96% |
| 11111 | Patrick County | Woolwine Elementary | 2002 Subsidy | 50,763 | (44,263) | 6,500 | 87.20% |
| 11131 | Stafford County | Stafford Elementary | 2003 Subsidy | 659,305 | (659,178) | 127 | 99.98% |
| 11096 | Washington County | Abingdon High | 2003 Subsidy | 34,943 | - | 34,943 | 0.00% |
| 11098 | Washington County | Holston High | 2003 Subsidy | 20,949 | - | 20,949 | 0.00% |
| 11097 | Washington County | John S. Battle High | 2003 Subsidy | 30,210 | - | 30,210 | 0.00% |
| 11099 | Washington County | Patrick Henry High | 2003 Subsidy | 30,181 | - | 30,181 | 0.00% |
| 11100 | Washington County | Valley Institute | 2003 Subsidy | 5,861 | - | 5,861 | 0.00% |
| 11151 | Nottoway County | Blackstone Primary | 2004 Subsidy | 54,632 | (40,393) | 14,239 | 73.94% |
| 11150 | Nottoway County | Crewe Primary | 2004 Subsidy | 191,790 | (161,572) | 30,218 | 84.24% |
| 11181 | Grayson County | Grayson Middle | 2005 Subsidy | 138,831 | - | 138,831 | 0.00% |
| 11188 | Roanoke City | Fallon Park Elementary | 2005 Subsidy | 113,701 | (641) | 113,060 | 0.56% |
| 11190 | Hanover County | Hanover Elementary | 2005 Subsidy | 152,269 | - | 152,269 | 0.00% |
| 11208 | Henry County | Mt. Olivet Elementary | 2005 Subsidy | 535,747 | - | 535,747 | 0.00% |
| 11143 | Franklin County | Windy Gap Elementary | 2006 Subsidy | 745,557 | - | 745,557 | 0.00% |
| 11144 | Mecklenburg County | South Hill Elementary | 2006 Subsidy | 745,557 | (739,057) | 6,500 | 99.13% |
| 11195 | Page County | Page County High | 2006 Subsidy | 1,331,227 | - | 1,331,227 | 0.00% |
| 11196 | Page County | Luray High | 2006 Subsidy | 1,324,727 | - | 1,324,727 | 0.00% |
| 11187 | Roanoke City | Patrick Henry High | 2006 Subsidy | 745,557 | - | 745,557 | 0.00% |
| 11201 | Portsmouth City | Park View Elementary | 2006 Subsidy | 1,331,227 | - | 1,331,227 | 0.00% |
| 11186 | Brunswick County | Brunswick High | 2006 Subsidy | 1,331,227 | (1,324,727) | 6,500 | 99.51% |
| 11205 | Wythe County | Max Meadows Elem | 2006 Subsidy | 410,529 | (404,029) | 6,500 | 98.42% |
| 11210 | Halifax County | Halifax Middle | 2006 Subsidy | 1,331,227 | (6,500) | 1,324,727 | 0.49% |
| 11121 | Henry County | G. W. Carver Elementary | 2006 Subsidy | 624,720 | - | 624,720 | 0.00% |
| 11220 | Halifax County | South Boston Elementary | 2006 Subsidy | 641,739 | - | 641,739 | 0.00% |
| 11222 | Henry County | Campbell Court Elementary | 2006 Subsidy | 706,533 | - | 706,533 | 0.00% |
| | | | | \$ 13,543,276 | \$ (3,623,476) | \$ 9,919,800 | |

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PROJECT REIMBURSEMENTS COMPLETED AS OF DECEMBER 31, 2006

| Application Number | School Division | School | Release Date | Funds Approved for Release | Actual Funds Disbursed | Funds Returned | Balance Due | Percent Drawn |
|---------------------------|------------------------|----------------------------|---------------------|-----------------------------------|-------------------------------|-----------------------|--------------------|----------------------|
| 10999 | Franklin City | Franklin High School | 1999 Subsidy | 263,300 | (263,300) | \$ - | \$ - | 100.00% |
| 11179 | Accomack County | Nandua Middle | 2005 Subsidy | 793,856 | (793,856) | \$ - | \$ - | 100.00% |
| 11176 | Alleghany County | Falling Springs Elementary | 2006 Subsidy | 359,779 | (359,779) | \$ - | \$ - | 100.00% |
| 11175 | Alleghany County | Callaghan Elementary | 2006 Subsidy | 176,652 | (176,652) | \$ - | \$ - | 100.00% |
| 11177 | Alleghany County | Sharon Elementary | 2006 Subsidy | 176,652 | (176,652) | \$ - | \$ - | 100.00% |
| 11200 | Russell County | Lebanon Primary | 2006 Subsidy | 713,033 | (713,033) | \$ - | \$ - | 100.00% |
| 11218 | Rockingham County | Hillyard Middle | 2006 Subsidy | 745,557 | (745,557) | \$ - | \$ - | 100.00% |
| 11219 | Rockingham County | Wilbur S. Pence Middle | 2006 Subsidy | 739,057 | (739,057) | \$ - | \$ - | 100.00% |
| 11185 | New Kent County | G. W. Watkins Elementary | 2006 Subsidy | 159,887 | (159,887) | \$ - | \$ - | 100.00% |
| | | | | \$ 4,127,772 | (4,127,772) | \$ - | \$ - | |

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Board of Education Agenda Item

Item: B.

Date: January 10, 2007

Topic: Final Review of Recommendations Concerning Applications for Literary Fund Loans

Presenter: Mr. Kent C. Dickey, Budget Director

Telephone Number: (804) 225-2025

E-Mail Address: Kent.Dickey@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by

State or federal law or regulation

Board of Education regulation

Other: _____

Action requested at this meeting Action requested at future meeting: _____ (date)

Previous Review/Action:

No previous board review/action

Previous review/action

date _____

action _____

Background Information:

The recommendation for approval of the projects on Attachment A is in accordance with the *Code of Virginia*, Chapter 10, Section 22.1-146, which authorizes the Board of Education to make loans from the Literary Fund for the purpose of erecting, altering, or enlarging school buildings. Approval of an application constitutes the first step in a two-step process to secure a loan from the Literary Fund. The second step can occur only after Departmental receipt of final plans and specifications per Section 22.1-140 of the *Code of Virginia*, coupled with a written request to the Department for release of funds, with the latter request also requiring Board approval.

Summary of Major Elements

Attachment A reflects fourteen (14) applications that have been reviewed by the Department. These

applications have met all of the Board's requirements necessary to be approved for a Literary Fund loan and are currently under review by the Office of the Attorney General.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends approval of fourteen (14) applications totaling \$45,143,804 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia* (Attachment A).

Impact on Resources:

There will be no impact on the resources of the Literary Fund until a locality receives approval from the Board of Education for the release of funds, construction begins on the approved project, and a request for reimbursement is submitted.

Timetable for Further Review/Action:

Recommendations similar to Attachment A will be presented to the Board on a quarterly basis as needed, if found in proper order after review by the Department and the Office of the Attorney General.

BOARD OF EDUCATION
APPLICATIONS PRESENTED FOR APPROVAL

It is recommended that the following applications be approved:

| Literary Fund # | School Division | School | Date Received | Amount | Comment |
|-----------------|--------------------|------------------------------|--------------------|----------------------|---------------------------------------|
| 11238 | Cumberland County | Cumberland High School | March 24, 2005 | 7,500,000 | New Construction (Plans Not Received) |
| 11246 | Washington County | Patrick Henry High School | September 11, 2006 | 161,120 | Renovations (Plans Not Received) |
| 11247 | Washington County | John Battle High School | September 11, 2006 | 241,680 | Renovations (Plans Not Received) |
| 11248 | Washington County | Abingdon High School | September 11, 2006 | 241,680 | Renovations (Plans Not Received) |
| 11249 | Washington County | Patrick Henry High School | September 11, 2006 | 382,660 | Renovations (Plans Not Received) |
| 11250 | Washington County | Holston High School | September 11, 2006 | 382,660 | Renovations (Plans Not Received) |
| 11251 | Washington County | Meadowview Elementary School | September 11, 2006 | 975,380 | Renovations (Plans Not Received) |
| 11252 | Washington County | Wallace Middle School | September 11, 2006 | 739,540 | Renovations (Plans Not Received) |
| 11253 | Washington County | Glade Spring Middle School | September 11, 2006 | 1,019,084 | Renovations (Plans Not Received) |
| 11254 | Southampton County | Riverdale Elementary School | October 10, 2006 | 7,500,000 | New Construction (Plans Not Received) |
| 11255 | Roanoke City | William Fleming High School | October 18, 2006 | 7,500,000 | New Construction (Plans Not Received) |
| 11256 | Henry County | Drewry Mason Elementary | October 25, 2006 | 3,500,000 | Renovations (Plans Approved) |
| 11257 | Rockingham County | Montevideo Elementary School | November 13, 2006 | 7,500,000 | New Construction (Plans Not Received) |
| 11258 | Gloucester County | Abingdon Elementary School | November 30, 2006 | 7,500,000 | Renovations (Plans Not Received) |
| Total: | | | | \$ 45,143,804 | |

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2006 Interest Rate Subsidy program. In addition, Colonial Beach requested by letter that the Colonial Beach Middle School project be removed from the First Priority Waiting List.

Attachment D identifies the six Literary Fund applications that are available for release contingent on approval of the applications by the Office of the Attorney General and receipt of the required memorandum of lien by the Department of Education.

Attachment E is the Board of Education's current Approved Application List. This attachment identifies the Literary Fund applications that are approved as to form but are not included on either waiting list nor are they recommended for funding.

Summary of Major Elements:

To the extent funds are available, a recommendation for initial release of funds is presented for projects currently on the First Priority Waiting List or otherwise eligible for priority funding. To the extent funds are not available, new requests for the initial release of Literary Funds cannot be approved. As a result, such requests must be deferred and placed on either the First or Second Priority Waiting List in accordance with the Literary Fund regulations.

This item consists of four elements that require action by the Board of Education. These elements are:

1. Fourteen new projects, totaling \$21,115,166, listed on Attachment A are eligible for placement on the First Priority Waiting List, subject to the review and approval by the Office of the Attorney General pursuant to § 22.1-156, *Code of Virginia*.
2. Nineteen projects from the First Priority Waiting Listed participated in the 2006 Virginia Public School Authority 2006 Interest Rate Subsidy program and, as a result, have been removed from the First Priority Waiting List (Attachment B).
3. Colonial Beach submitted a letter dated October 13, 2006, requesting that one project (Colonial Beach Middle School) be removed from the First Priority Waiting List (Attachment B).
4. Thirteen new projects, totaling \$41,643,804, listed on Attachment E have Literary Fund applications, which are approved as to form, but the plans have not yet been finalized. When the Department receives the plans, these projects will be eligible for placement on a waiting list, subject to review and approval by the Office of the Attorney General pursuant to § 22.1-156, *Code of Virginia*. Until such time, these projects should remain on the Approved Application List.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that funding for the six projects listed on Attachment C in the amount of \$33,500,000 be released contingent on approval of the applications by the Office of the Attorney General and receipt of the required memorandum of lien by the Department of Education.

The Superintendent of Public Instruction further recommends that the Board of Education approve the actions described in the four elements listed under “Summary of Major Elements.”

Impact on Resources:

Current Board policy provides that, upon initial release of funds, Literary Fund cash is reduced in the total amount of the approved loan to assure that cash is available as required for project completion. The disbursement of funds is based on actual invoices or other evidence of bills due and payable from the Literary Fund.

Timetable for Further Review/Action:

The staff will prepare items for the Board on this subject as needed. Based on the availability of funds, initial release of funds will be made or projects will be deferred and placed on the Waiting List.

VIRGINIA BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

| Priority | Date Placed on Waiting List | School Division | School | Interest Rate | Amount | Cumulative Total | Action/Status |
|----------|--------------------------------|--------------------|--|------------------|-----------|---------------------|------------------|
| 1 | January, 2005 | Campbell County | Yellow Branch Elementary ¹ | 2% | 7,500,000 | 7,500,000 | Funding Deferred |
| 2 | June, 2005 | Staunton City | A. R. Ware Elem ¹ | 3% | 7,500,000 | 15,000,000 | Funding Deferred |
| 3 | June, 2005 | Staunton City | T. C. McSwain Elem ¹ | 3% | 7,500,000 | 22,500,000 | Funding Deferred |
| 4 | June, 2005 | Warren County | West Warren High ¹ | 3% | 7,500,000 | 30,000,000 | Funding Deferred |
| 5 | June, 2005 | Warren County | East Warren High ¹ | 3% | 7,500,000 | 37,500,000 | Funding Deferred |
| 6 | March, 2006 | Martinsville City | Patrick Henry Elementary ¹ | 2% | 2,500,000 | 40,000,000 | Funding Deferred |
| 7 | March, 2006 | Waynesboro City | Kate Collins Middle | 3% | 7,500,000 | 47,500,000 | Funding Deferred |
| 8 | March, 2006 | Culpeper County | Culpeper County High ¹ | 3% | 7,500,000 | 55,000,000 | Funding Deferred |
| 9 | March, 2006 | Augusta County | Stuarts Draft High School | 3% | 7,500,000 | 62,500,000 | Funding Deferred |
| 10 | March, 2006 | Augusta County | Wilson Memorial High School | 3% | 7,500,000 | 70,000,000 | Funding Deferred |
| 11 | June, 2006 | Dinwiddie County | New High School ¹ | 2% | 7,500,000 | 77,500,000 | Funding Deferred |
| 12 | June, 2006 | Dinwiddie County | New Elementary School ¹ | 2% | 7,500,000 | 85,000,000 | Funding Deferred |
| 13 | June, 2006 | Nottoway County | Nottoway Intermediate and Middle School ¹ | 2% | 3,000,000 | 88,000,000 | Funding Deferred |
| 14 | June, 2006 | King George County | New High School ¹ | 3% | 7,500,000 | 95,500,000 | Funding Deferred |
| 15 | September, 2006 | Caroline County | Ladysmith Elementary ¹ | 3% | 7,500,000 | 103,000,000 | Funding Deferred |
| 16 | September, 2006 | Hanover County | Hanover Elementary ¹ | 4% | 7,500,000 | 110,500,000 | Funding Deferred |

New projects to be added with funding deferred until funds are approved for release by separate action by the Board of Education

| | | | | | | | |
|----|---------------|-------------------|---|----|-----------|-------------|------------------------|
| 17 | January, 2007 | Washington County | Abingdon Elementary ¹ | 3% | 1,211,924 | 111,711,924 | Add / Funding Deferred |
| 18 | January, 2007 | Washington County | High Point Elem ¹ | 3% | 986,356 | 112,698,280 | Add / Funding Deferred |
| 19 | January, 2007 | Washington County | Valley Institute Elementary ¹ | 3% | 735,613 | 113,433,893 | Add / Funding Deferred |
| 20 | January, 2007 | Washington County | E. B. Stanley Middle ¹ | 3% | 931,273 | 114,365,166 | Add / Funding Deferred |
| 21 | January, 2007 | Essex County | Essex Intermediate School ¹ | 4% | 7,500,000 | 121,865,166 | Add / Funding Deferred |
| 22 | January, 2007 | Patrick County | Blue Ridge Elementary School ¹ | 2% | 151,618 | 122,016,784 | Add / Funding Deferred |

VIRGINIA BOARD OF EDUCATION - FIRST PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the First Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

| Priority | Date Placed on Waiting List | School Division | School | Interest Rate | Amount | Cumulative Total | Action/Status |
|----------|--------------------------------|-----------------------|---|------------------|-----------|---------------------|-------------------------------|
| 23 | <i>January, 2007</i> | <i>Patrick County</i> | <i>Hardin Reynolds Memorial School ¹</i> | 2% | 105,406 | 122,122,190 | <i>Add / Funding Deferred</i> |
| 24 | <i>January, 2007</i> | <i>Patrick County</i> | <i>Meadows of Dan Elementary ¹</i> | 2% | 105,217 | 122,227,407 | <i>Add / Funding Deferred</i> |
| 25 | <i>January, 2007</i> | <i>Patrick County</i> | <i>Patrick County High School ¹</i> | 2% | 275,324 | 122,502,731 | <i>Add / Funding Deferred</i> |
| 26 | <i>January, 2007</i> | <i>Patrick County</i> | <i>Patrick Springs Primary ¹</i> | 2% | 195,976 | 122,698,707 | <i>Add / Funding Deferred</i> |
| 27 | <i>January, 2007</i> | <i>Patrick County</i> | <i>Stuart Elementary School ¹</i> | 2% | 304,878 | 123,003,585 | <i>Add / Funding Deferred</i> |
| 28 | <i>January, 2007</i> | <i>Patrick County</i> | <i>Woolwine Elementary School ¹</i> | 2% | 361,581 | 123,365,166 | <i>Add / Funding Deferred</i> |
| 29 | <i>January, 2007</i> | <i>Galax City</i> | <i>Galax High School ¹</i> | 2% | 4,750,000 | 128,115,166 | <i>Add / Funding Deferred</i> |
| 30 | <i>January, 2007</i> | <i>Henry County</i> | <i>Drewry Mason Elementary ¹</i> | 2% | 3,500,000 | 131,615,166 | <i>Add / Funding Deferred</i> |

¹ Pending approval by the Attorney General's Office
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VIRGINIA BOARD OF EDUCATION - SECOND PRIORITY WAITING LIST

The following projects have been placed or are recommended for placement on the Second Priority Waiting List with the actions as indicated in the last column. Projects recommended for action at this meeting are presented in italics.

| Date Placed on | | | Interest | | Cumulative | | | |
|----------------|--------------|-----------------|----------|------|------------|-------|---------------|----------|
| Priority | Waiting List | School Division | School | Rate | Amount | Total | Action/Status | Comments |

NO PROJECTS

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VIRGINIA BOARD OF EDUCATION - REMOVAL FROM FIRST PRIORITY WAITING LIST

The following projects have been removed from the First Priority Waiting List with the actions as indicated in the last column.

| Date Placed on Waiting List | School Division | School | Interest Rate | Amount | Cumulative Total | Action/Status |
|--------------------------------|--------------------|----------------------------|------------------|-----------|---------------------|---------------------------------------|
| March, 2003 | Franklin County | Windy Gap Elementary | 3% | 7,500,000 | 7,500,000 | 2006 VPSA Subsidy Program Participant |
| June, 2003 | Alleghany County | Falling Springs Elementary | 2% | 2,000,000 | 9,500,000 | 2006 VPSA Subsidy Program Participant |
| June, 2003 | Alleghany County | Callaghan Elementary | 2% | 1,000,000 | 10,500,000 | 2006 VPSA Subsidy Program Participant |
| June, 2003 | Alleghany County | Sharon Elementary | 2% | 1,000,000 | 11,500,000 | 2006 VPSA Subsidy Program Participant |
| February, 2004 | Mecklenburg County | South Hill Elementary | 3% | 7,500,000 | 19,000,000 | 2006 VPSA Subsidy Program Participant |
| April, 2004 | New Kent County | G. W. Watkins Elementary | 4% | 7,500,000 | 26,500,000 | 2006 VPSA Subsidy Program Participant |
| June, 2004 | Page County | Page County High | 2% | 7,500,000 | 34,000,000 | 2006 VPSA Subsidy Program Participant |
| June, 2004 | Page County | Luray High | 2% | 7,500,000 | 41,500,000 | 2006 VPSA Subsidy Program Participant |
| September, 2004 | Roanoke City | Patrick Henry High | 3% | 7,500,000 | 49,000,000 | 2006 VPSA Subsidy Program Participant |
| January, 2005 | Portsmouth City | Park View Elementary | 2% | 7,500,000 | 56,500,000 | 2006 VPSA Subsidy Program Participant |
| January, 2005 | Russell County | Lebanon Primary | 2% | 4,000,000 | 60,500,000 | 2006 VPSA Subsidy Program Participant |
| January, 2005 | Brunswick County | Brunswick High | 2% | 7,500,000 | 68,000,000 | 2006 VPSA Subsidy Program Participant |
| June, 2005 | Wythe County | Max Meadows Elem | 3% | 4,100,000 | 72,100,000 | 2006 VPSA Subsidy Program Participant |
| September, 2005 | Halifax County | Halifax Middle | 2% | 7,500,000 | 79,600,000 | 2006 VPSA Subsidy Program Participant |
| September, 2005 | Henry County | G. W. Carver Elementary | 2% | 3,500,000 | 83,100,000 | 2006 VPSA Subsidy Program Participant |
| March, 2006 | Colonial Beach | Colonial Beach Middle | 2% | 4,000,000 | 87,100,000 | Application Withdrawn |
| March, 2006 | Rockingham County | Hillyard Middle | 3% | 7,500,000 | 94,600,000 | 2006 VPSA Subsidy Program Participant |
| March, 2006 | Rockingham County | Wilbur S. Pence Middle | 3% | 7,500,000 | 102,100,000 | 2006 VPSA Subsidy Program Participant |
| March, 2006 | Halifax County | South Boston Elementary | 2% | 3,633,159 | 105,733,159 | 2006 VPSA Subsidy Program Participant |
| March, 2006 | Henry County | Campbell Court Elementary | 2% | 4,000,000 | 109,733,159 | 2006 VPSA Subsidy Program Participant |

January, 2007

VIRGINIA BOARD OF EDUCATION - RELEASE OF LITERARY FUNDS

It is recommended that Literary Funds be released for the following projects on the first priority waiting list pending approval by the Attorney General's Office and pending the Department of Education's receipt of the Memorandum of Lien for each property:

| Date Placed on Waiting List | School Division | School | Interest Rate | Amount | Cumulative Total |
|--------------------------------|-------------------|--|------------------|-----------|---------------------|
| July, 2002 | Newport News City | General Stanford Elementary ^{1,2} | 2% | 7,500,000 | 7,500,000 |
| June, 2003 | Galax City | Galax Elementary ² | 3% | 2,000,000 | 9,500,000 |
| June, 2003 | Sussex County | Sussex Central Middle ² | 3% | 7,500,000 | 17,000,000 |
| June, 2003 | Stafford County | New Elementary 2004 ² | 3% | 7,500,000 | 24,500,000 |
| April, 2004 | Greene County | William Monroe High ^{1,2} | 3% | 4,000,000 | 28,500,000 |
| April, 2004 | Greene County | William Monroe Middle ^{1,2} | 3% | 5,000,000 | 33,500,000 |

¹ Pending approval by the Attorney General's Office

² Pending Department of Education's receipt of Memorandum of Lien

January, 2007

**LITERARY FUND OF VIRGINIA
APPROVED APPLICATION LIST**

| Priority | Date Placed on Application List | School Division | School | Interest Rate | Application Amount | Cumulative Total | Action/Status |
|----------|------------------------------------|-------------------|---------------------------------------|------------------|-----------------------|---------------------|--------------------------|
| 1 | March, 2006 | Hanover County | Trades Based Center ¹ | 4% | 7,500,000 | 7,500,000 | Pending receipt of plans |
| 2 | March, 2006 | Roanoke County | William Byrd High School ¹ | 3% | 7,500,000 | 15,000,000 | Pending receipt of plans |
| 3 | March, 2006 | Roanoke County | Northside High School ¹ | 3% | 7,500,000 | 22,500,000 | Pending receipt of plans |
| 4 | June, 2006 | Cumberland County | Cumberland Middle School ¹ | 2% | 7,500,000 | 30,000,000 | Pending receipt of plans |
| 5 | June, 2006 | New Kent County | New Kent High School ¹ | 4% | 7,500,000 | 37,500,000 | Pending receipt of plans |

New projects to be added to the approved application list.

| | | | | | | | |
|----|---------------|--------------------|---|----|-----------|------------|--------------------------|
| 6 | January, 2007 | Cumberland County | Cumberland High School ¹ | 2% | 7,500,000 | 45,000,000 | Pending receipt of plans |
| 7 | January, 2007 | Washington County | Patrick Henry High School ¹ | 3% | 161,120 | 45,161,120 | Pending receipt of plans |
| 8 | January, 2007 | Washington County | John Battle High School ¹ | 3% | 241,680 | 45,402,800 | Pending receipt of plans |
| 9 | January, 2007 | Washington County | Abingdon High School ¹ | 3% | 241,680 | 45,644,480 | Pending receipt of plans |
| 10 | January, 2007 | Washington County | Patrick Henry High School ¹ | 3% | 382,660 | 46,027,140 | Pending receipt of plans |
| 11 | January, 2007 | Washington County | Holston High School ¹ | 3% | 382,660 | 46,409,800 | Pending receipt of plans |
| 12 | January, 2007 | Washington County | Meadowview Elementary School ¹ | 3% | 975,380 | 47,385,180 | Pending receipt of plans |
| 13 | January, 2007 | Washington County | Wallace Middle School ¹ | 3% | 739,540 | 48,124,720 | Pending receipt of plans |
| 14 | January, 2007 | Washington County | Glade Spring Middle School ¹ | 3% | 1,019,084 | 49,143,804 | Pending receipt of plans |
| 15 | January, 2007 | Southampton County | Riverdale Elementary School ¹ | 2% | 7,500,000 | 56,643,804 | Pending receipt of plans |
| 16 | January, 2007 | Roanoke City | William Fleming High School ¹ | 3% | 7,500,000 | 64,143,804 | Pending receipt of plans |
| 17 | January, 2007 | Rockingham County | Montevideo Elementary School ¹ | 3% | 7,500,000 | 71,643,804 | Pending receipt of plans |
| 18 | January, 2007 | Gloucester County | Abingdon Elementary School ¹ | 3% | 7,500,000 | 79,143,804 | Pending receipt of plans |

¹ Pending approval by the Attorney General's Office

*Reflects only those applications not on waiting lists

Note: Per 8VAC20-100-90, applications which remain on the approved application list for three years shall be removed from the list.

January, 2007

services providers. The Board is required to maintain this list of approved providers across the state, by school division, for use by parents for selection of services. Potential providers must be given annual notice of the opportunity to provide supplemental educational services and the procedures for obtaining approval from the state educational agency.

Summary of Major Elements: On July 25, 2002, the Board of Education adopted the NCLB criteria for the approval of supplemental educational services providers. The criteria specified that providers:

- demonstrate the ability to provide parents and the local education agency (LEA) with information on the progress of children in a format and language that parents can understand;
- document a track record of effectiveness;
- ensure that the instruction provided and the content used are consistent with the instruction and content used by the LEA and are aligned with the state’s student academic achievement standards;
- meet all federal, state, and local health and safety and civil rights laws;
- ensure that all instruction and content are neutral and non-ideological; and
- offer services within a financially sound management structure.

At its September 2002 meeting, the Board of Education approved the initial list of recommended supplemental educational services providers and recommended revisions to the list in subsequent meetings. Subsequent revisions to the initial list have been made on a regular basis. As shown below, the department recommends adding one provider to Virginia’s Board-approved list. Provider contact information is attached.

Proposed Provider Added

| PROVIDER | FOCUS AREA AND GRADE LEVEL | SERVICE AREA |
|--------------------------|---|---|
| The Learning Curve, Inc. | Reading/Language Arts (K-5); Mathematics (K-8); Conditional Approval Mathematics (9-10) | Hampton City, Newport News City, Petersburg City, and South Hampton Roads |

Superintendent’s Recommendation: The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the revised list of supplemental educational services providers.

Impact on Resources: School divisions with identified Title I schools in School Improvement are required to set aside an amount equal to 20 percent of the local educational agency’s Title I, Part A, allocation for the provision of supplemental educational services and other Title I School Improvement requirements, as appropriate.

The provisions of the *No Child Left Behind Act of 2001* have an impact on the agency’s staff resources. This impact can be absorbed through the agency’s existing resources at this time. If the agency is required to assume additional duties related to review and approval of supplemental educational services providers, other services will be impacted.

Timetable for Further Review/Action: The solicitation and review of potential supplemental educational services providers are ongoing.

PROPOSED ADDITIONAL SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER
Recommended: January 10, 2007

Providers Added

| Name of Provider | Contact Information | Focus and Grade Levels | Provider Service Areas |
|--------------------------|--|---|---|
| The Learning Curve, Inc. | Mark Malone 1252 Crystal Lake Circle Virginia Beach, Virginia 23451 Phone: (757) 641-5535 E-mail: Mark.E.Malone@att.net | Reading/Language Arts (K-5); Mathematics (K-8); Conditional Approval Mathematics (9-10)* | Hampton City, Newport News City, Petersburg City, and South Hampton Roads |

*A conditional approval refers to a newly-developed program that does not have a record of effectiveness to draw upon.

Board of Education Agenda Item

Item: E.

Date: January 10, 2006

Topic: First Review of Final Report to the Governor and General Assembly on the Analysis of Statewide Data Relating to the Requirements for Obtaining a High School Diploma for Students with Limited English Proficiency (SB 683)

Presenter: Ms. Roberta Schlicher, Director, Office of Program Administration & Accountability
Dr. Deborah Jonas, Regional Educational Laboratory, The CNA Corporation,

Telephone Number: 804-225-2870 **E-Mail Address:** Roberta.Schlicher@doe.virginia.gov
804-225-2067 **E-Mail Address:** Deborah.Jonas@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting Action requested at future meeting: _____ (date)

Previous Review/Action:

No previous board review/action

Previous review/action
date November 29, 2006
action First Review and Approval of Preliminary Report to the Governor and General Assembly on the Analysis of Statewide Data Relating to the Requirements for Obtaining a High School Diploma for Students with Limited English Proficiency (LEP)

Background Information:

Senate Bill 683 required the Virginia Board of Education (BOE) and the Virginia Department of Education (VDOE) to collect and analyze statewide data on students with limited English proficiency (LEP). The bill required the BOE and the VDOE to make recommendations relating to the requirements for obtaining a high school diploma for students with limited English proficiency.

To meet the requirements of SB 683, a study was conducted that used a snapshot of data from students in grades 9-12 enrolled during the 2005-2006 school year. A preliminary report accepted at the November Board of Education meeting was sent to the Governor and General Assembly on December 1, 2006. This is the final report in response to SB 683.

Summary of Major Elements:

Results of this study show the following:

- Virginia's LEP students in grades 9-12 are diverse, speaking over 130 languages, and representing more than 140 countries. The majority (55 percent) of LEP high school students are economically disadvantaged. Although the largest concentration of LEP students in grades 9-12 is in northern Virginia, these students are geographically distributed throughout the Commonwealth.
- Based on a random sample of students, it may be estimated that 13 percent of students in grades 9-12 have had their education interrupted since the time they first entered Virginia public schools. In addition, students that entered Virginia public schools at age 16 years or older were more likely to have a wider gap between their actual years of education and the number of years of education expected of Virginia's students. These are risk factors for low academic achievement.
- School divisions reported a wide variety of strategies to support LEP student achievement. These strategies are generally consistent with principles cited in the research literature as being effective in supporting LEP student academic achievement.
- School divisions also reported barriers to LEP student graduation. These included resource limitations, academic challenges, social challenges, and consideration for students' age and time in Virginia public schools.
- LEP high school students had similar scores to non-LEP students on the Algebra I and Algebra II Standards of Learning (SOL) end-of-course tests. Scores on the remaining SOL assessments were lower than for non-LEP students, with the largest gap in the science SOL assessments.
- There was a strong relationship between LEP students' scores on the English SOL assessments and their scores on all other SOL assessments. The results of a multiple regression analysis suggest that the skills required to succeed on the English 11 SOL assessments are also important for success on the other ten SOL end-of-course tests used in grades 9-12.
- In 2006, 1,507 LEP students (69 percent of students in grade 12) completed high school. Sixty one (61) percent of these students earned standard diplomas, 30 percent earned advanced diplomas, and three and two percent earned special and modified standard diplomas, respectively. Less than one percent of the students earned other types of certificates.
- One thousand four hundred seventy-five (1,475) LEP students reported plans after graduation, representing 68 percent of the LEP students in grade 12. The National Student Clearinghouse was able to verify that 616 of these LEP students attended college in the 2006 school year.
- One thousand twenty-four (1,024) LEP students in grades 9-12 were reported as drop outs during the 2005-2006 school year. This represents 5.8 percent of all LEP students enrolled in grades 9-12 for the 2005-2006 school year. The most frequently reported reasons students were reported as dropouts were:
 - Low academic achievement (36.6 percent of those who dropped out);
 - Became employed (17.8 percent of those who dropped out); and
 - No longer attends school and could not be located (17.8 percent of those who dropped out).

The Department of Education has several ongoing activities to support LEP student achievement. Based on the findings of this report, the Department of Education recommends the following steps to further support LEP students' high school achievement:

- Review the formula that provides funding to school divisions for ESL teachers, and conduct a study to assess the impact of increasing resources available to school divisions to support LEP student achievement.
- Support the National Governors Association four-year graduation rate provision that permits states to assign LEP students to different cohorts to allow them more time to graduate.
- Review the BOE guidance document on General Achievement Diplomas to clarify accessibility of this diploma option for LEP students.
- Continue to work with the United States Department of Education (USED) to develop equitable practices for including LEP students in the state's accountability system.
- Continue to provide technical assistance and consider the development of additional resources that can support LEP student achievement and increased high school graduation rates.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the Final Report to the Governor and General Assembly on the Analysis of Statewide Data Relating to the Requirements for Obtaining a High School Diploma for Students with Limited English Proficiency (SB 683).

Impact on Resources:

This responsibility can be absorbed by the agency's existing resources at this time. If the agency is required to absorb additional responsibility related to this activity, other resources may be required.

Timetable for Further Review/Action:

With the Board of Education's approval, the report will be submitted to the Governor and General Assembly. The Board of Education Committee on Literacy will use the results of this study to inform its work.

REPORT

FINAL REPORT ON

**The Analysis of Statewide Data
Relating to The Requirements for
Obtaining a High School Diploma
for Students with Limited English
Proficiency (SB 683)**

SUBMITTED TO:

VIRGINIA BOARD OF EDUCATION

JANUARY 10, 2007

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Executive Summary

Senate Bill (SB) 683 required the Virginia Board of Education (BOE) and the Virginia Department of Education (VDOE) to collect statewide data on Virginia's public school students with limited English proficiency (LEP). The bill required information on demographics, school division programs and services, and academic indicators of success such as scores on Standards of Learning (SOL) assessments for these students. The bill also required that the BOE and the VDOE analyze the relationships between these factors as they relate to LEP students and the requirements for obtaining a high school diploma as set forth in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the *No Child Left Behind Act of 2001*, and make recommendations on the steps to take to resolve the issues relating to the requirements for obtaining a high school diploma. A copy of SB 683 is provided in Appendix A.

To meet the requirements of SB 683, the VDOE and the BOE conducted a study that used a snapshot of data from students in grades 9-12 enrolled during the 2005-2006 school year. This report describes the results of the analyses, ongoing VDOE activities that support LEP student achievement, and recommendations for further action.

The results show that Virginia's LEP students in grades 9-12 are a diverse group that speak over 130 languages and represent more than 140 countries. They are geographically distributed across the state in urban, suburban, and rural communities. The largest concentration of LEP students is in northern Virginia. However, several school divisions with smaller populations have a large percentage of LEP students in grades 9-12. A majority (55 percent) of LEP students is economically disadvantaged, and small percentages are migrant or are experiencing homelessness. Several school divisions reported difficulty evaluating LEP students for special education services. Nine (9) percent of LEP students in grades 9-12 receive special education services, compared with 14 percent of the non-LEP student population in the same grades.

Based on data from a random sample of students, it is estimated that:

- Eighty three (83) percent of LEP students in grades 9-12 entered Virginia's schools for the first time between 2000 and 2006;
- Thirteen (13) percent of LEP students have interrupted schooling once they enter Virginia public schools; and
- LEP students arriving at Virginia public schools at age 16 or older are more likely to have a gap of two or more years in the number of years of prior education.

On average, LEP students earn lower scores and pass the SOL assessments at lower rates than non-LEP students on 10 of Virginia's 12 SOL assessments in grades 9-12. LEP students and non-LEP students have similar average scores and pass rates on the Algebra I and Algebra II SOL assessments. The largest performance gap between LEP and non-LEP students exists on the science assessments.

To understand the relationship between performance on the different SOL assessments, the Department of Education analyzed the relationship between LEP student performance on

the English 11 SOL assessment and LEP student performance on other SOL assessments. The results suggest that the skills required to be successful on the English 11 SOL assessment are critical for success on the other SOL assessments. The relationship suggests that instruction focused on improving skills needed for the English 11 SOL assessment will also support academic achievement in all other areas assessed through Virginia's SOL assessment program.

In 2006, 1,507 LEP students completed high school, comprising 69 percent of the LEP students in grade 12. Sixty one (61) percent of these students earned standard diplomas, 30 percent earned advanced diplomas, and three and two percent earned special and modified standard diplomas, respectively. Less than one percent of the students earned other types of completion certificates.

Based on reports from 112 school divisions, 97 divisions (87 percent of those reporting) offer at least one of the following services:

- Exercise the option for LEP students to remain in high school until age 22;
- Provide targeted remediation for LEP students who fail the English 11 SOL assessment;
- Offer after-school tutoring for English as a second language students; or
- Provide summer school ESL instruction.

These divisions reach more than 90 percent of LEP students enrolled in grades 9-12 during the 2005-2006 school year.

Less than 16 percent of LEP students in grades 9-12 are served by school divisions that provide weekend tutoring. School divisions reported using a variety of other programs and services to support LEP students' academic success. These include:

- Providing services that support students and their families that are linguistically accessible to speakers of other languages;
- Offering targeted subject area, literacy, language and life-skills classes for LEP students;
- Providing professional development for teachers that is focused on instructional methods for LEP students;
- Making available adult education classes and services to older LEP students; and
- Taking advantage of community resources that can support LEP students' academic achievement.

VDOE asked school divisions to report the barriers LEP students encounter in graduating from high school. Eleven (11) school divisions serving LEP students reported no barriers to graduation. Those that reported barriers listed factors such as resource limitations, challenges mastering academic materials due to language barriers, social factors, and considerations for students' age and the time it takes to learn academic English.

One thousand twenty four (1,024) LEP students in grades 9-12 (5.8 percent of all LEP students in grades 9-12) were reported by school divisions as dropping out of high school during the 2005-2006 school year. The most frequently reported reasons students dropped

out were:

- Low academic achievement (36.6 percent of those who dropped out);
- Became employed (17.8 percent of those who dropped out); and
- No longer attends school and could not be located (17.8 percent of those who dropped out).

Students also dropped out due to behavioral difficulties, family reasons, reaching the maximum age to receive services, health problems, financial hardship, and expulsion.

Based on these findings, the BOE and VDOE recommend the following actions to address the issues surrounding LEP high school students:

1. Review the formula that provides funding to school divisions for ESL teachers, and conduct a study to assess the impact of increasing resources available to school divisions to support LEP student achievement.
2. Support the National Governors Association four-year graduation rate provision that permits states to assign LEP students to different cohorts to allow them more time to graduate.
3. Review the BOE guidance document on General Achievement Diplomas to clarify accessibility of this diploma option for LEP students.
4. Continue to work with the United States Department of Education (USED) to develop equitable practices for including LEP students in the state's accountability system.
5. Continue to provide technical assistance and consider the development of additional resources that can support LEP student achievement and increased high school graduation rates.

Introduction

Senate Bill (SB) 683 required the Virginia Board of Education (BOE) and the Virginia Department of Education (VDOE) to collect statewide data on Virginia's public school students with limited English proficiency (LEP). The bill required information on demographics, school division programs and services, and academic indicators of success such as scores on Standards of Learning (SOL) assessments for these students. The bill also required that the BOE and the VDOE analyze the relationships between these factors as they relate to LEP students and the requirements for obtaining a high school diploma as set forth in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the *No Child Left Behind Act of 2001*, and make recommendations on the steps to take to resolve the issues relating to the requirements for obtaining a high school diploma. A copy of SB 683 is provided in Appendix A.

To meet the requirements of SB 683, a snapshot of data was analyzed from the 2005-2006 school year. VDOE obtained data from three sources:

- VDOE student and assessment databases;
- A two-part survey requesting data directly from school divisions; and
- The National Student Clearinghouse¹ for information on college attendance.

Data from the VDOE student record database were updated since the BOE and VDOE submitted a preliminary report to the Governor and General Assembly on December 1, 2006. To reflect those updates, final verified data from the 2005-2006 school year are included in this final report.²

Data collection from the school divisions was conducted in two parts. The first part focused on programs and services offered to LEP students and barriers to high school graduation. School divisions were asked whether their division offered each of the following programs and services to LEP high school students:

- The option to allow LEP students to attend school until age 22 as permitted by the *Code of Virginia*, Section 22.1-5. D;
- Targeted remediation classes to students who fail the English 11 Standards of Learning (SOL) assessment;
- Summer school English as a Second Language classes;
- After-school tutoring;
- Weekend tutoring; and
- Other programs, strategies, or services for LEP high school students and their families.

¹The National Student Clearinghouse collects and maintains data on postsecondary and secondary student degree, diploma, and enrollment. For more information, see www.studentclearinghouse.com.

²In some cases, detailed numbers in this report differ from the number provided in the preliminary report. The data in this report reflect final data, as verified by school division superintendents and provided to the Virginia Department of Education. In all cases, the differences between the data in the preliminary and final reports were relatively small, and did not alter conclusions or recommendations in this report.

School divisions were also asked to report barriers LEP students encounter in graduating from high school.

The second part of the data collected from school divisions requested individual student information that VDOE does not collect on a regular basis. VDOE requested that school divisions provide data from a random sample of 30 percent of the LEP students in grades 9-12. The sample was generated with the qualification that all school divisions responsible for educating at least one LEP student in grades 9-12 be included. The sample size for each school division ranged from one to 2,771 students. School divisions were requested to provide the following information for each student included in the sample:

- The year the student first entered Virginia public schools;
- The number of years of formal education the student had prior to entering Virginia public schools;
- Whether the student's attendance since entering Virginia public schools was uninterrupted or interrupted; and
- The student's class rank (top, middle, or bottom third) of their high school class.

The data collections were conducted using the Department's secure data collection tool. One hundred and nineteen (119) school divisions responded to the survey requesting information on programs, services, and barriers to graduation, including several that do not serve LEP students in grades 9-12. This is a 90 percent response rate. Eighty-eight (88) divisions provided data on 5,444 students in response to the survey requesting individual student information, which represents 78 percent of the 113 school divisions in which LEP students were enrolled in grades 9-12 during the 2005-2006 school year. For many students, divisions reported that the information was unavailable. As a result, the number of students for which data are available varied for each question. Data were available for:

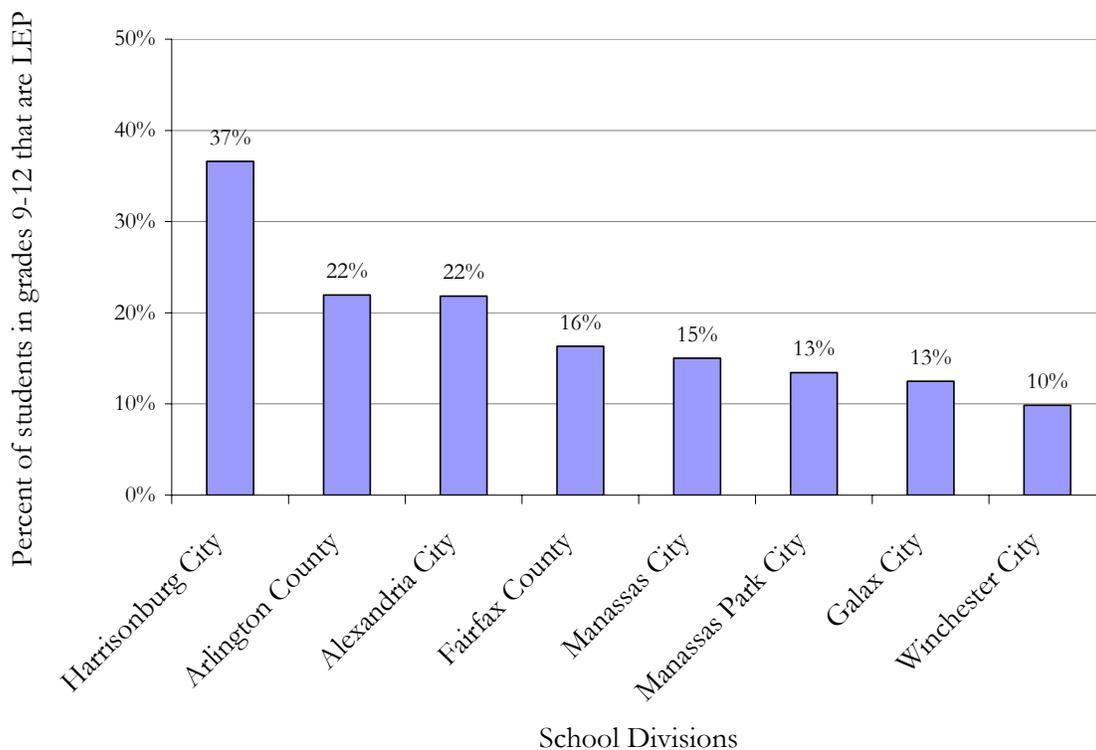
- Twenty-five (25) percent of students regarding the consistency of schooling as interrupted or uninterrupted;
- Twenty-six (26) percent of students regarding the year they first entered Virginia public schools;
- Thirteen (13) percent of students regarding the number of years of education students had prior to entering Virginia public schools; and
- Six (6) percent of students regarding class rank. The students that are in the class rank sample are not considered representative of LEP students in grades 9-12 statewide. As such, this report does not provide details of how LEP student performance ranks in Virginia's high schools.

The remainder of this report describes the results of the analyses conducted in response to SB 683. The first section of the report describes Virginia's LEP student population in grades 9-12. This is followed by information on the strategies and services school divisions implement to support LEP student academic success and the barriers that LEP students may encounter while pursuing a high school diploma. The next section focuses on LEP student achievement as measured in terms of SOL assessment data, student graduation and dropout status, and college plans and attendance. The final section of this report provides a summary of current VDOE resources to support LEP student achievement and recommendations for next steps to address the issues surrounding LEP high school students.

Demographics of Limited English Proficient (LEP) High School Students

School divisions reported that 17,656 LEP students were enrolled in grades 9-12 in Virginia’s public schools in the 2005-2006 school year. Of these, 974 (5.5 percent) moved within schools in Virginia at least one time during the school year, often between Virginia school divisions. Figure 1 shows that Harrisonburg had the largest percentage of LEP students in grades 9-12 relative to its total enrollment in grades 9-12. LEP students comprised more than 10 percent of the students enrolled in grades 9-12 in Alexandria, Arlington, Fairfax, Manassas City, Manassas Park, Galax, and Winchester.

Figure 1. Percent of LEP students, grades 9-12, in school divisions in which more than 10 percent of students in grades 9-12 were LEP.



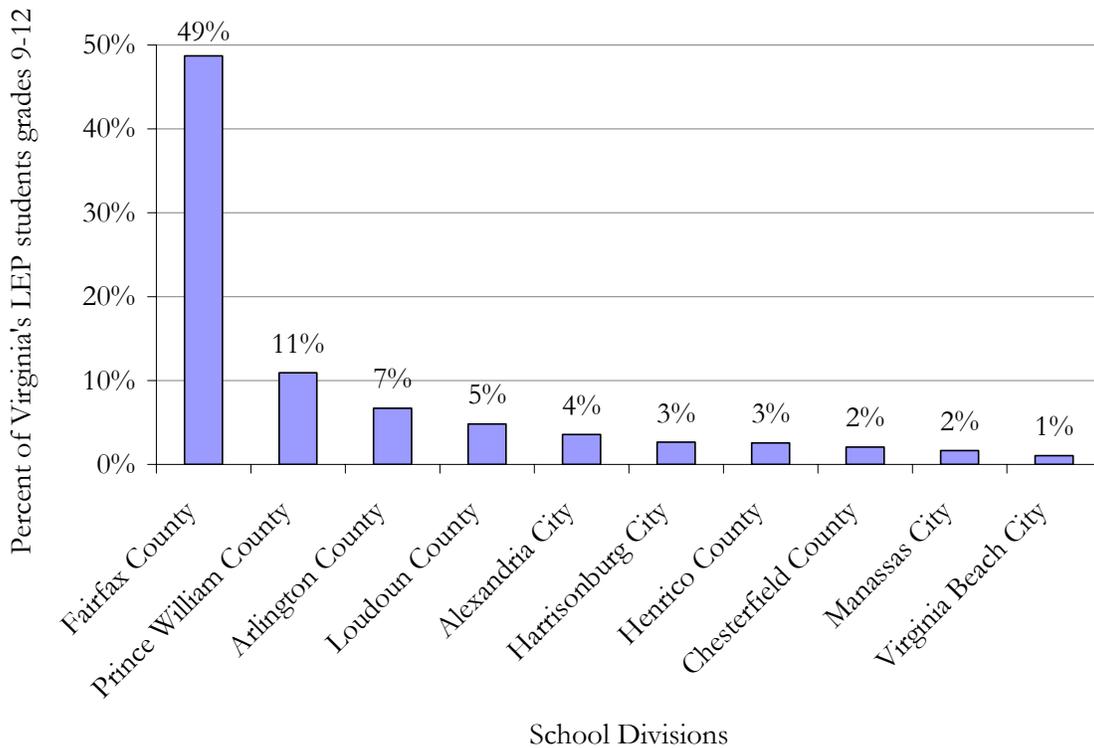
Fairfax was responsible for educating close to half of the LEP students in Virginia. Other school divisions serving more than 1 percent of LEP students in grades 9-12 were: Prince William, Arlington, Loudoun, Alexandria, Harrisonburg, Henrico, Chesterfield, Manassas City, and Virginia Beach. These data are illustrated in Figure 2, and represent divisions serving 83 percent of the LEP students in grades 9-12. Maps representing the distribution of LEP students across Virginia are provided in Appendix B.

LEP Students’ Country of Origin and First Language

In addition to being enrolled in school divisions throughout the state, Virginia’s LEP students in grades 9-12 are from at least 158 countries, including the United States. Table 1 lists the countries from which Virginia’s LEP high school students originate. Data were available for 67 percent of the LEP high school students, as reported by school divisions.

The largest group are the nearly 22 percent of LEP students in grades 9-12 that represent 137 countries. The next largest group represented is from El Salvador, followed by Mexico, and the Republic of Korea. High school LEP students whose home country is reported as the United States are in 10 school divisions. These divisions include urban, suburban and rural municipalities throughout the state. Although these students were born in the United States, a language other than English is the dominant language at home. In addition, students may have lived in other countries during childhood.

Figure 2. Percent of Virginia’s LEP students in school divisions that educate at least one percent of all LEP students in grades 9-12.



Virginia’s LEP high school students’ first languages are also diverse. Table 2 shows the data from 82 percent of Virginia’s high school students for whom VDOE has language data. The most frequently reported language is Spanish, followed by Korean, Urdu, Arabic, Vietnamese, and Farsi. Twelve (12) percent of the students represent a group that speaks 124 other languages. These languages are spoken by less than one percent of Virginia’s LEP students in grades 9-12.

Table 1. Virginia’s LEP students’ country of origin, grades 9-12

| Country of origin | Percent of students* |
|---------------------|----------------------|
| El Salvador | 15% |
| Mexico | 9% |
| Republic of Korea | 7% |
| Bolivia | 7% |
| Peru | 5% |
| Honduras | 5% |
| Pakistan | 5% |
| Vietnam | 3% |
| Guatemala | 3% |
| China | 3% |
| Ethiopia | 3% |
| India | 2% |
| Afghanistan | 2% |
| Philippines | 2% |
| Ghana | 2% |
| Sierra Leone | 1% |
| Somalia | 1% |
| Colombia | 1% |
| United States | 1% |
| Bangladesh | 1% |
| Iran | 1% |
| 137 Other countries | 22% |

*Based on data available from 67 percent of LEP students in grades 9-12.

Table 2. Languages spoken, Virginia’s LEP students, grades 9-12.

| Primary language | Percent of students* |
|--|----------------------|
| Spanish | 54% |
| Korean | 7% |
| Urdu | 4% |
| Arabic | 3% |
| Vietnamese | 3% |
| Farsi | 3% |
| Reported as unknown or unlisted language | 3% |
| Chinese, Mandarin | 2% |
| Amharic | 2% |
| Tagalog | 2% |
| Russian | 1% |
| Twi | 1% |
| French | 1% |
| Somali | 1% |
| Other languages | 12% |

*Based on data available for 82 percent of LEP students, grades 9-12.

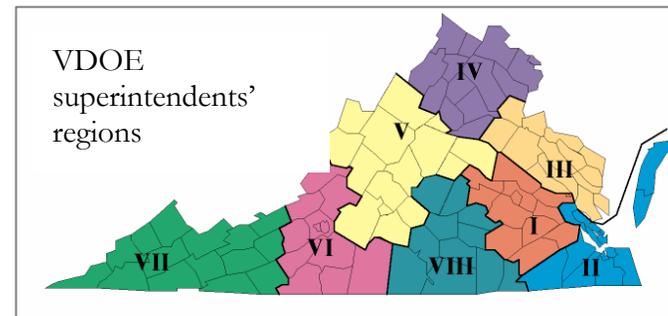
To understand regional variation among the languages that Virginia’s LEP students speak, the Department calculated the five most frequently reported languages in each of Virginia’s eight superintendents’ regions. As shown in Table 3, Spanish is the most frequently reported language of LEP high school students in each of Virginia’s eight superintendents’ regions. However, the second most frequently reported language differs across regions. The second most frequently reported language in Regions II, V, and VI are not among the top five most frequently reported languages of the Commonwealth’s LEP high school students. Regions VII and VIII educate a small percentage of LEP students in grades 9-12. Fewer than 10 students who speak languages other than Spanish comprise the groups of LEP high school students in these regions, and are therefore not reported.

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Table 3. Top five most frequently reported languages of LEP students, grades 9-12, in Virginia's eight superintendents' regions.

| Rank order of frequently reported languages | Region I | Region II | Region III | Region IV | Region V | Region VI | Region VII | Region VIII |
|--|----------------|-------------------|------------|------------|--------------------------------|-------------------|------------|-------------|
| 1 | Spanish | Spanish | Spanish | Spanish | Spanish | Spanish | Spanish | Spanish |
| 2 | Korean | Tagalog | Urdu | Korean | Russian | Chinese, Mandarin | ~ | ~ |
| 3 | Serbo-Croatian | Korean | Arabic | Urdu | Unknown or language not listed | Vietnamese | | |
| 4 | Urdu | Vietnamese | ~* | Arabic | Chinese, Mandarin | Farsi | | |
| 5 | Arabic | Chinese, Mandarin | ~ | Vietnamese | Farsi | ~ | | |
| Percent of LEP students in region, grades 9-12 | 5.14 | 4.19 | 2.43 | 79.38 | 5.52 | 2.34 | | |

*~There were too few students to report.



Other Student Characteristics

Fifty-five (55) percent of LEP high school students are identified as economically disadvantaged. Economically disadvantaged students are defined as students who are:³

- Eligible for a free or reduced price lunch; or
- Receiving Temporary Assistance for Needy Families (TANF); or
- Eligible for Medicaid; or
- Identified as either migrant or experiencing homelessness.

Virginia’s LEP population in grades 9-12 is comprised of 41 percent immigrants. According to Title III, Part C, Sec. 3301, (6) of the *No Child Left Behind Act of 2001*, the term ‘immigrant children and youth’ is defined as individuals who:

- Are aged 3 through 21;
- Were not born in any state; and
- Have not been attending one or more schools in any one or more states for more than 3 full academic years.

Approximately 9 percent of Virginia’s LEP students, grades 9-12, are identified as eligible for special education services. As a point of reference, approximately 14 percent of all students enrolled in grades 9-12 receive special education services. The percent of students in each of these categories is shown in Table 4.

Table 4. Percent of LEP high school students identified in other categories.

| | Disadvantaged | Immigrant | Experiencing homelessness | Migrant | Special Education |
|--|----------------------|------------------|----------------------------------|----------------|--------------------------|
| Percent of LEP high school students | 55% | 41% | < 1% | 1% | 9% |

Data from a random sample of 4,625 (26%) of the LEP students in grades 9-12 showed that sixty-six percent of students in the sample entered Virginia schools for the first time since 2002, and that 83 percent entered since 2000.

Based on a sample of 2,351 students (13%) who were enrolled in grades 9-12 in the 2005-2006 school year, the majority of LEP students who enrolled in Virginia public schools before the age of 16 had completed a similar number of years of education as is typical for students their age. For these students, the median gap between actual and expected years of education was one year or less. In the same sample, the majority of students who entered school at or above age 16 had fewer years of education than typical public school students their age. For students entering at age 16, the median gap was 2 years, and the gap widened as age of entry increased. There were also 48 students (2 percent of students in the sample of 2,351) who reportedly entered Virginia’s public middle and high schools with one year or less of formal education.

³ Specifications for Completing the Student Records Data Collection, 2005-2006. Virginia Department of Education. Division of Technology. Revised: 6/29/2006.

Based on data from a random sample of 4,378 students, representing 25 percent of the LEP students in grades 9-12, 13 percent were reported to have had interrupted schooling, defined as education in Virginia public schools that was marked by irregular year-to-year enrollment or irregular attendance.

In summary, Virginia's LEP students in grades 9-12 during the 2005-2006 school year represent a diverse group. This diversity can create instructional challenges for school divisions. The next section of this report discusses the strategies Virginia's school divisions use to support this diverse group of students as well as the barriers they face in providing services.

School Division Programs Designed to Assist LEP Students in their Academic Achievement

As part of the data collection effort for this study, the Department of Education requested that school divisions report on the programs and services they provide to LEP high school students. One-hundred nineteen (119) of 132 school divisions (89 percent) responded to the survey, including 14 that did not have any LEP students enrolled in grades 9-12 during the 2005-2006 school year.

SB 683 specifically requested that the BOE and the VDOE collect data to learn whether school divisions:

- Exercise the option to allow LEP students to attend school to age 22;
- Provide targeted remediation classes for LEP students who have failed the English 11 Standards of Learning assessments;
- Offer summer school ESL;
- Offer after-school and weekend tutoring to assist LEP students in their academic achievement; or
- Use other strategies to assist older high school LEP students in meeting graduation requirements.

A summary of the results of the data collection on LEP programs and services are provided in Table 5. This table shows the number and percent of divisions that reported offering services, and the percent of students in Virginia's 9-12 grades that the services have the potential to reach. It includes data from 112 divisions that responded to the data request and provided information on their policies.⁴ Appendix C details responses by school division.

The number of divisions providing each service specified in SB 683 ranged from 21 to 97 (19 to 87 percent of responding divisions). With the exception of weekend tutoring, these services are provided in divisions that reach more than 90 percent of Virginia's LEP students in grades 9-12. Weekend tutoring is offered in 21 school divisions (19 percent) serving 16 percent of Virginia's LEP students in grades 9-12. Forty-three (43) school divisions (38 percent) offer ESL classes in the summer and these divisions reach 90 percent of Virginia's LEP students in grades 9-12.

⁴ An additional seven divisions that do not serve LEP students in grades 9-12 responded without providing information on their policies.

Table 5. Number and percent of school divisions that offer LEP services.

| Service offered | Number (percent) of all responding divisions that reported offering service ¹ | Percent of LEP students statewide served by divisions that reported offering service ² |
|---|--|---|
| Exercises the option to attend school to age 22 | 97 (87%) | 94% |
| Remediation for LEP students that fail the English 11 SOL | 93 (83%) | 95% |
| After-school tutoring | 89 (79%) | 95% |
| Weekend tutoring | 21 (19%) | 16% |
| ESL summer school | 43 (38%) | 90% |
| Other | 82 (73%) | 97% |

¹Based on 112 divisions that responded to the data request and reported on their policies regarding LEP students in grades 9-12, including some divisions that reported on their policies but have no LEP students enrolled in grades 9-12. An additional 7 divisions reported no LEP students enrolled in grades 9-12, and did not report on their policies.

²The percent of the total LEP students in the state, grades 9-12, that the service has the potential to reach, calculated as the number of LEP students, grades 9-12 in each school division offering the service divided by the total number of LEP students enrolled in grades 9-12, 2005-2006.

In addition to the specific services requested in the legislation, 82 school divisions (73% percent) serving 97 percent of Virginia’s LEP students in grades 9-12 offer other programs and services to support LEP students’ academic achievement. School divisions reported a wide variety of services. The services were grouped into the following categories:

- Family support and services;
- Administrative services;
- Adult education and General Educational Development (GED) certificate preparation classes and testing;
- Instructional resources and tutoring;
- Targeted classes and instructional activities for LEP students; and
- Other.

The following information provides a more detailed description of the strategies school divisions reported for each category. This information was provided in response to an open-ended question, and may not represent the comprehensive services offered to LEP students in Virginia. As such, the number of divisions reporting the services and the percent of students these programs reach should be considered minimum values.

Family Support and Services

Forty-four (44) school divisions that reach 90 percent of Virginia’s LEP students reported

that they provide services to the families of LEP students. There were a wide variety of programs and services reported throughout Virginia, such as: 1) LEP family nights; 2) workshops and meetings; 3) ESL, literacy or other classes that parents can take at the school; 4) parent or family liaisons for LEP students; 5) migrant outreach and support programs; and 6) Spanish language radio programs that provide school information regularly to Spanish-speaking citizens.

Administrative Services

Twenty-two (22) school divisions that reach 76 percent of LEP students in grades 9-12 reported that they provide administrative services to support LEP students and create systems that support the accessibility of the school and school community for LEP students and their families. Examples of these services include: 1) intake and welcome centers to facilitate school registration and assess students' English and other academic skills; 2) use of an informal transcript evaluation network to support the schools' ability to transfer credits from prior school experiences; 3) interpreters for students and their families during registration, school events, and conferences; and 4) translated documents during registration and throughout the school year.

Adult Education and General Educational Development (GED) Certificate

Thirty-two (32) school divisions that reach 87 percent of LEP students in grades 9-12 reported that they provide older LEP students the opportunity to participate in adult education classes or programs that support students' ability to earn a GED certificate. School divisions also reported offering alternative high schools, which LEP students may attend. School divisions offering adult education, alternative high schools or programs, and GED programs reported different policies with regard to LEP student attendance. In some school divisions, students 18 years of age and older were reported eligible for these programs; other school divisions offer GED and adult education classes to younger students that meet specific eligibility criteria, such as the Individualized Student Alternative Education Plan (ISAEP). In addition, students may participate in alternative and adult education classes to supplement their education in K-12 programs, or to substitute for the K-12 programs. Students who enter adult education programs may seek a high school diploma or GED certificate; or continue to improve their English and other academic skills without seeking a diploma or certificate of completion. In the survey, one school division reported that 6 percent of its LEP high school students left the K-12 system to attend the adult education program in the 2005-2006 school year.

Instructional Resources and Interventions

Forty-seven (47) school divisions that reach 73 percent of LEP students in grades 9-12 reported that they provide interventions or other instructional resource services that were not specified in the Department of Education survey. Examples include: 1) scheduled periods of ESL support for content classes; 2) resource or study periods for language building; 3) daily living, community life, and study skills classes; and 4) in-school tutoring services.

Targeted Classes and Instructional Activities for LEP Students

Thirteen (13) school divisions that reach 26 percent of LEP students in grades 9-12 reported that they provide targeted classes and instructional activities for LEP students. These classes include: 1) intensive English; 2) transitional English; 3) sheltered instruction observation

protocol (SIOP)⁵; 4) computer software and laboratory-style classes that support language learning and literacy development; and 5) Spanish for Native Speakers courses.

Other

Twenty-five (25) school divisions that reach 29 percent of LEP students in grades 9-12 reported that they provide other strategies that do not fall into any of the above categories. These include: 1) collaborating with colleges and universities to support teacher education; 2) incorporating ESL staff development into teachers' professional development training; 3) providing citizenship classes; 4) creating buddy systems for LEP students; 5) partnering with local agencies, such as health services agencies, to provide students and their families with community referrals; and 6) encouraging LEP students to participate in college and job fairs, college information sessions, and other programs that increase LEP students' awareness of the opportunities beyond high school.

Barriers to Graduation

In the survey sent to school divisions, the VDOE requested that school divisions provide information on the barriers LEP students encounter in graduating from high school. The Department requested that school divisions provide information on barriers to graduation that LEP students encounter. The following 11 divisions that responded to the LEP survey reported that no barriers exist or that to date, all of their LEP students in grades 9-12 have graduated from high school or been promoted based on academic achievements.

- Alleghany
- Bristol
- Charlotte
- Colonial Beach
- Gloucester
- Greenville
- Hanover
- Nelson
- Poquoson
- Portsmouth
- Tazewell

Some school divisions offered more detail about the positive experiences of their LEP students. For example, one school division reported the following:

Over the past several years, we have noted a positive trend reflected in our LEP students. Our LEP students are proud of being affiliated with [our high school], proud of their academic and social achievements, and anxious to demonstrate their attachment to their school and community. This positive attitude is contagious and welcomed. An example of this positive attitude can be seen upon entering the front doors to the high school. The high school mascot ... is soaring above the photos of our athletic teams. The mascot was designed ... by a LEP student.

Despite many positive responses to the question, most school divisions reported some barriers to LEP student graduation. Responses to the LEP survey question about barriers to education fell into the following categories:

⁵SIOP is a program model for teaching grade-level content by controlling vocabulary and language structures, while at the same time promoting students' English language development. Teachers adapt grade level content lessons to the students' levels of English proficiency and incorporate language development into the instruction.

- Resource limitations;
- Academic challenges;
- Social factors;
- Age and time constraints; and
- Other.

The following information provides a more detailed description of the barriers reported for each category.

Resource Limitations

School divisions commented that the lack of consistent resources throughout the state has adverse effects on this population, which can be highly mobile. Divisions also reported more specific details about the resource limitations that affect LEP students.⁶

Several school divisions reported that they lack the qualified staff and other resources necessary to support their LEP students, and many commented on the need for improved and additional preparatory programs for Virginia's teachers to earn ESL endorsements. In some school divisions, the few LEP students that require services are distributed throughout a wide geographic area. This requires the staff (often one ESL teacher) to spend considerable amounts of time traveling to meet students' needs. Other staff positions that were mentioned as lacking were bilingual counselors and translators, and staff trained to evaluate LEP students for learning disabilities. School divisions also reported that they are constrained by a lack of transportation, which prevents LEP students from being able to participate in after-school activities such as tutoring, sports, and clubs. Some school divisions also reported a lack of programs for LEP students. Examples included community programs, newcomer programs, and career and technical education programs that are accessible to LEP students.

Academic Barriers

School divisions reported the following academic barriers to graduation:

- Students' lack of credits when transferring into Virginia's public schools;
- Limited access to course materials due to language barriers;
- Inability to meet standard course requirements and pass required core classes, in large part due to language barriers; and
- Difficulty passing SOL assessments.

School divisions also reported that some LEP students enter Virginia's public high schools with lower education levels than are expected of Virginia's students in grades 9-12. Data collected for this study confirm that this educational gap exists for a small group of students, and that students who enter Virginia public schools at age 16 or later are more likely to have wider gaps in education.

Students with fewer years of formal education are at a particular disadvantage as research indicates that schooling in a primary language is the strongest predictor of student achievement in a second language (Thomas and Collier, 2002). This and other research on

⁶ Some of these issues may also affect students who are not LEP.

LEP students typically focus on achievement in the younger grades. There is little research that focuses on language development for students who begin school at the middle and high school levels (Center for School and District Improvement, 2004; Genesee, Geva, Dressler, & Kamil, 2006; Lesaux & Geva, 2006).

Social Factors

School divisions frequently cited social factors that were barriers to LEP students graduating from high school. For example, school divisions report that students often have little support for their educational achievement and English language development outside of school. In addition, LEP students often have family responsibilities, such as working and providing childcare, that interfere with their ability to fully participate in school and activities.

Age and Time Constraints

School divisions reported that many LEP students enter Virginia public schools in their teen years with low levels of English proficiency, and that such students do not have enough time to learn English and earn enough credits to graduate before they age out of the system. Based on a random sample of 4,625 (26%) students, 66 percent of LEP students in grades 9-12 enrolled in the 2005-2006 school year entered high school within the past four years, and 90 percent entered Virginia public schools within the past eight years. Research suggests that it takes a minimum of four years of English language instruction for LEP students to perform on grade level (Thomas & Collier, 2002), and that students who enter school at or above age 12 typically require six to eight years to compete academically with native speakers of English (Collier, 1987). Additionally, 37 percent of students in the sample entered Virginia schools at age 16 or older. Note that this same population of students was more likely to have fewer years of formal education than is expected of Virginia's public school students. Research indicates that LEP students who have little or no prior education and who may be illiterate in their first language may take seven to ten years to achieve grade level proficiency (Thomas & Collier, 2002).

Other Reported Barriers

Several school divisions reported barriers to graduation that did not fit into a particular category. Divisions reported that some LEP students lack the motivation to succeed because of a perceived lack of opportunity beyond high school. Some divisions further specified that students may believe that they can never attend college because of their immigrant status. In addition, school divisions reported that LEP student achievement can suffer due to inconsistent attendance in Virginia's public schools, which was reported to result from trips to the home country, need to work, and health and medical issues. In a random sample of 4,378 LEP students, 13 percent reportedly had interrupted education since entering Virginia public schools.

Reasons LEP students in grades 9-12 dropped out of school, 2005-2006

In 2005-2006, 1,024 LEP students in grades 9-12 reportedly dropped out of Virginia's public schools. This represents 5.8 percent of all LEP students in these grades.⁷ Table 6 shows the

⁷ This is not Virginia's dropout rate for LEP students. Virginia's official dropout rate for all students in 2005-

reported reasons LEP students dropped out of school. The largest group, 375 (2.1 percent of all LEP students in these grades) dropped out for reasons relating to low academic achievement. One-hundred eighty two (182) students, or 1 percent of all LEP students in these grades, dropped out for employment reasons, and the same number were classified as dropouts because the school division reported an unknown status for students who did not graduate and did not return to school for the 2006-2007 academic year. Less than 1 percent of LEP students in grades 9-12 dropped out for other reasons, including behavioral difficulties, family reasons, maximum school age, health problems, financial hardship, and expulsion.

Table 6. Reasons LEP students dropped out of high school, grades 9-12, 2005-2006.

| Reason for dropping out | Number of LEP students | Percent of LEP students that dropped out as a function of the total number of LEP students enrolled in grades 9-12, 2005-2006 | Percent of all LEP student dropouts who dropped out for each reason in 2005-2006 |
|--|-------------------------------|--|---|
| Achievement problems (low achievement, low motivation, low interest) | 375 | 2.1 | 36.6 |
| Employed (took a job, joined armed forces, entered Job Corps or similar program) | 182 | 1.0 | 17.8 |
| Moved (no longer resided in the area and current status was unknown after appropriate investigation by the attendance officer) | 182 | 1.0 | 17.8 |
| Behavioral difficulties (suspension or expulsion, incarceration, runaway, truancy, poor relationships with peers or adults) | 112 | 0.6 | 10.9 |
| Family (pregnancy, parenthood, marriage, needed at home) | 85 | 0.5 | 8.3 |
| Reached maximum age to receive services | 30 | 0.2 | 2.9 |
| Health problems (physical or mental illness, injury, substance abuse) | 15 | 0.1 | 1.6 |
| Financial hardship (extreme poverty, working to support self or family) | 24 | 0.1 | 2.3 |
| Expulsion | 19 | 0.1 | 1.9 |
| Total | 1,024 | 5.8 | 100 |

2006 was not available at the time this report was completed. The official rate includes data from students in grades 7-12.

LEP Student Academic Achievement and Future Educational Plans

VDOE collects limited data that relate to student graduation requirements. Information on standard credits earned and courses taken are maintained at the local level. The Department maintains data on students' SOL assessment scores. With the Department's Educational Information Management System (EIMS) in place, for the first time in the 2005-2006 school year these data could be linked so that students' scores on one SOL assessment can be linked to that students' performance on other SOL assessments during the 2005-2006 school year. However, the Department cannot make this link with previous years' data, and therefore does not have records on students' earned verified credits.

Performance on Standards of Learning (SOL) Assessments

In Virginia, LEP high school students are required to take the SOL assessments when they complete each course for which there is an associated SOL assessment. According to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30, *Student achievement expectations*, "All students identified as limited English proficient (LEP) shall participate in the Virginia assessment program. A school based committee shall convene and make determinations regarding the participation level of LEP students in the Virginia assessment program." In 2005-2006, Virginia reported that 99 and 100 percent of LEP students across the Commonwealth participated in the appropriate SOL English and mathematics tests, respectively.

Table 7 shows the number of students who took each SOL assessment, average SOL scale scores, and the percent of LEP high school students that passed the exams. The table also shows the same information for non-LEP students in 2005-2006, and the difference in the percent of LEP and non-LEP students who passed the exams.

Average scores for both LEP and non-LEP students are above passing (i.e., ≥ 400) for all assessments. For all SOL assessments, fewer LEP students passed than non-LEP students, with the difference ranging from 2 to 32 percent. LEP students passed the Algebra I and II tests at similar rates as the non-LEP students, with only 2 to 5 percent fewer LEP students passing the tests than non-LEP students.

The largest difference in performance was in the sciences, where 21 to 32 percent fewer LEP students passed the SOL assessments than non-LEP students. This difference is larger than that of student performance on the English writing SOL, often considered the most difficult for LEP students. Figure 3 illustrates the pass rates for LEP and non-LEP students in each SOL assessment.

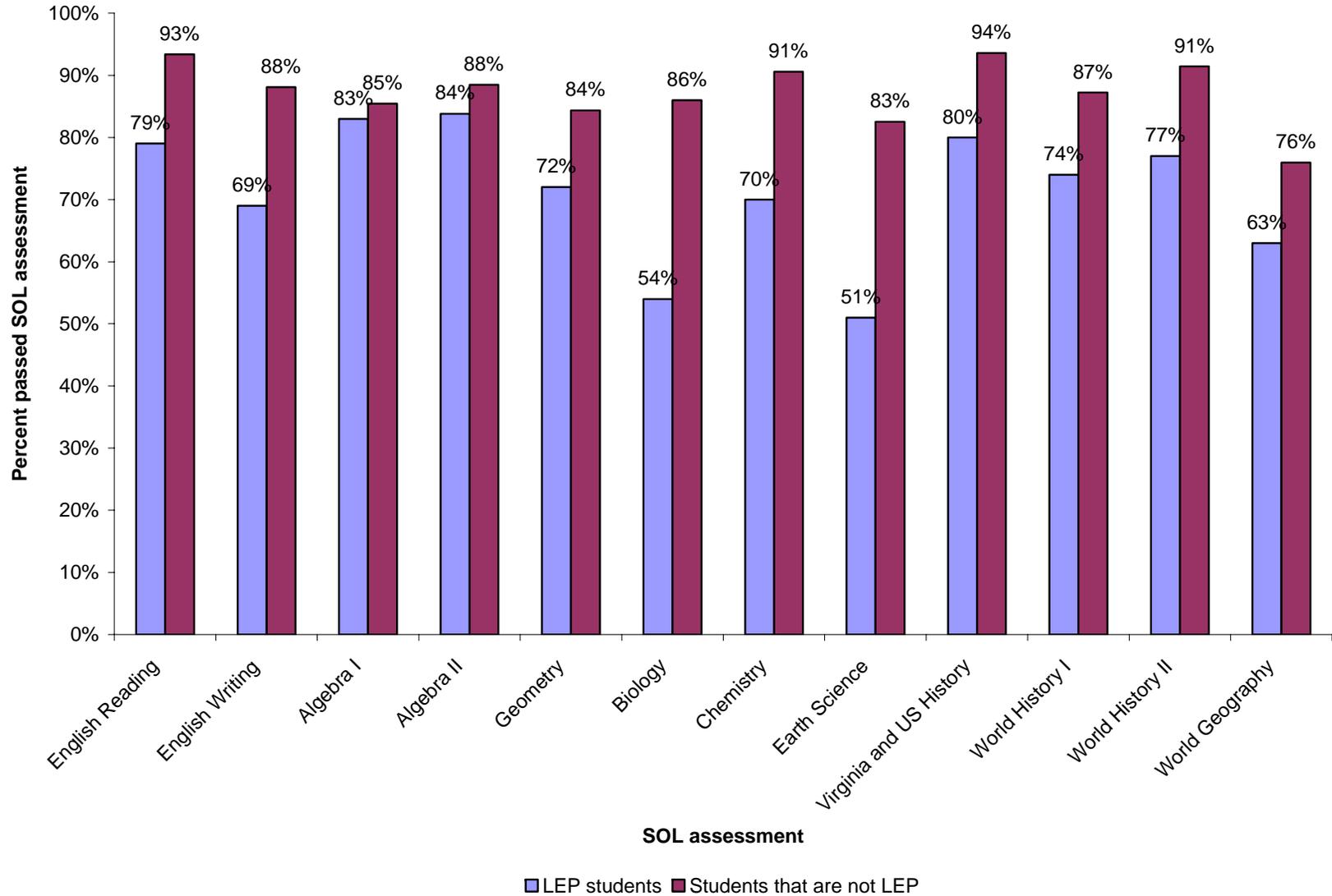
Table 7. Average score and pass rate in SOL assessment scale scores for LEP and non-LEP students, grades 9-12 during the 2005-2006 school year.¹

| | SOL assessment | Number | Average score | Pass rate | Percent difference in pass rates |
|--------------------------------|--------------------------------|--------|---------------|-----------|----------------------------------|
| English/ language arts | English Reading | | | | |
| | LEP students | 2,073 | 435 | 79% | 14% |
| | non-LEP students | 69,573 | 495 | 93% | |
| | English Writing | | | | |
| LEP students | 2,724 | 418 | 69% | 19% | |
| non-LEP students | 83,594 | 465 | 88% | | |
| Mathematics | Algebra I | | | | |
| | LEP students ² | 3,135 | 444 | 83% | 2% |
| | non-LEP students | 53,080 | 442 | 85% | |
| | Algebra II | | | | |
| | LEP students | 1,748 | 462 | 84% | 5% |
| | non-LEP students | 53,360 | 463 | 88% | |
| Geometry | | | | | |
| LEP students | 2,609 | 438 | 72% | 12% | |
| non-LEP students | 66,362 | 456 | 84% | | |
| Science | Biology | | | | |
| | LEP students | 4,105 | 404 | 54% | 32% |
| | non-LEP students | 77,530 | 448 | 86% | |
| | Chemistry | | | | |
| | LEP students | 1,834 | 425 | 70% | 21% |
| | non-LEP students | 46,875 | 445 | 91% | |
| Earth Science | | | | | |
| LEP students | 2,704 | 402 | 51% | 32% | |
| non-LEP students | 67,110 | 449 | 83% | | |
| History and social sciences | Virginia and US History | | | | |
| | LEP students | 2,468 | 437 | 80% | 14% |
| | non-LEP students | 69,690 | 487 | 94% | |
| | World History I | | | | |
| | LEP students | 3,414 | 438 | 74% | 13% |
| | non-LEP students | 56,944 | 470 | 87% | |
| | World History II | | | | |
| | LEP students | 2,934 | 442 | 77% | 14% |
| non-LEP students | 58,481 | 477 | 91% | | |
| World Geography | | | | | |
| LEP students | 501 | 425 | 63% | 13% | |
| non-LEP students | 21,752 | 452 | 76% | | |

¹ Pass rates are calculated based on each student's best score, regardless of the number of times the student participated in the assessment, and may not correspond to pass rates calculated to determine adequate yearly progress (AYP).

² Includes students that participate in the plain English version of the Algebra I SOL assessment.

Figure 3. Percent of LEP and non-LEP students passing the SOL assessments, grades 9-12, 2005-2006 school year.



Relationship Between Performance on the English SOL and Other SOL Assessments

The VDOE used the SOL assessment scale scores to statistically assess whether performance on the English 11 reading and writing SOL assessments was related to performance on the remaining 10 SOL assessments during the 2005-2006 school year. The analyses tested the hypothesis that students' academic English proficiency, as measured by the reading and writing components of the SOL assessment, is related to performance on all other SOL assessments. The prediction was that as performance on the English 11 reading and writing SOL assessment increased, so would performance on the other SOL assessments.

These analyses included simple correlations between the English 11 reading and writing SOL assessment and all other assessments, and a more complex multiple regression analysis. The regression analysis used the combination of the reading and writing components of the English 11 SOL assessment to estimate scores on each of the other SOL assessments. The statistical calculations included data for students that participated in the English 11 SOL assessments, and the other SOL assessments of interest in the 2005-2006 school year. For example, the statistical correlation between performance on the English 11 reading SOL and performance on the Virginia and U.S. History SOL assessment was calculated for students that participated in both assessments. More information on the statistical models used in these analyses is provided in Appendix D.

The results of these analyses showed that performance on the English 11 SOL reading and writing components were strongly related. As performance on the reading component of the SOL assessment increased, so did performance on the writing component of the SOL assessment. Further, the results suggested that the skills required for success on the English 11 SOL reading and writing assessments are important for success on all of Virginia's SOL assessments. More specifically, the results suggest the following:

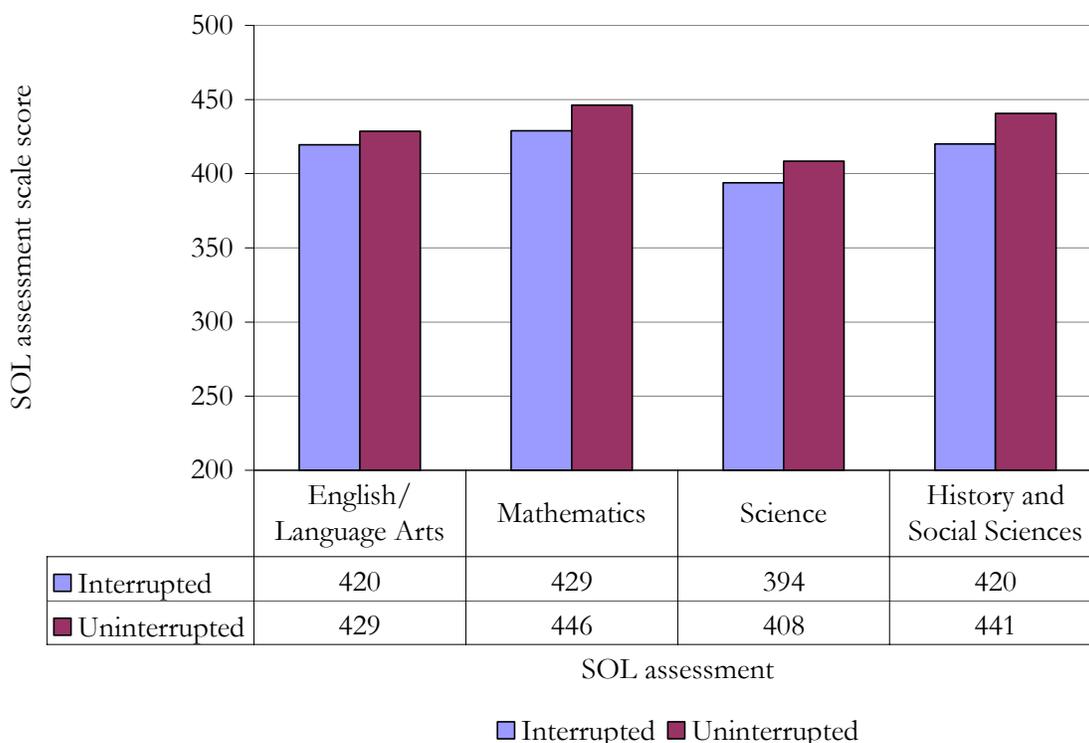
- There is a strong relationship between LEP student performance on the English 11 SOL reading and writing assessments and performance on other SOL assessments.
- This relationship suggests that the skills required to pass the English 11 SOL assessment are also required to pass the other SOL assessments.
 - The relationship is strongest in World History II and Virginia and U.S. History;
 - The relationship is smallest, but statistically significant for Algebra II and Geometry.
- The skills that contribute to performance on the reading or writing components of the English 11 SOL assessment contribute uniquely to performance on all but two of the other SOL assessments. Performance on the reading SOL assessment does not contribute to LEP student performance on the Algebra I and World Geography SOL above and beyond the contribution that performance on the reading and writing tests account for together. See Table 2 in Appendix D for further details.

SOL assessments and consistency of schooling

LEP students that experience inconsistent or interrupted schooling might be expected to have lower academic achievement than their peers that have consistent education. To test this hypothesis, LEP student performance on SOL assessments were compared for students reported to have interrupted and uninterrupted education since entering Virginia public schools.

Results are summarized in Figure 4 for each academic discipline. On average, LEP students with interrupted schooling have lower academic achievement than students with consistent and uninterrupted schooling for all academic disciplines. A review of the figure shows that the average difference in performance ranged between 9 and 21 scale score points between students with interrupted and uninterrupted education since they entered Virginia public schools. Statistically, the differences were significant for assessments in mathematics and science, and approached significance for history and social sciences. The lack of statistical differences between groups for English and the marginal results for history may be a function of the small sample of LEP students with interrupted schooling, or a true reflection of the variability of students' academic achievement on the SOL assessments, which are taken only by students enrolled in the appropriate classes.

Figure 4. Average scale scores for SOL assessments by academic discipline for students whose education since entering Virginia public schools was interrupted and uninterrupted, based on data available for 13 percent of LEP students, grades 9-12.



Diplomas and Certificates

In 2006, 1,507 LEP students completed high school, representing 69 percent of LEP students enrolled in grade 12 during the 2005-2006 school year. Table 8 shows the distribution of diplomas and certificates LEP students earned as a function of all diplomas and certificates earned.

Table 8. Number of LEP students earning Virginia Board of Education approved diplomas and certificates, 2005-2006.

| Diploma or Certificate type | Number of LEP students | Percent of LEP students who completed high school and earned each type of diploma | |
|---|------------------------|---|---------------|
| | | LEP students | All students* |
| Standard Diploma | 916 | 60.8 | 41.6 |
| Advanced Studies Diploma | 445 | 29.5 | 48.7 |
| Special Diploma | 48 | 3.2 | 3.2 |
| Modified Standard Diploma | 36 | 2.4 | 2.4 |
| Certificate of Program Completion | 43 | 2.9 | 0.7 |
| General Educational Development (GED) certificate | ~ | ~ | 1.4 |
| General Educational Development (GED) Certificate as part of an ISAEP | 10 | 0.7 | 1.9 |
| General Achievement Diploma | ~ | ~ | 0.04 |
| Total | 1,507 | | |

*Reported by VDOE, <http://www.doe.virginia.gov/VDOE/Publications/grads/gradd0506.pdf>. Accessed November 28, 2006.

~ There were too few students to report.

Class rank

VDOE requested that school divisions provide data on the class rank for a random sample of 30 percent of LEP students in 2005-2006. Data were provided for 4,954 students (26 percent). The majority of the responses indicated that class rank was not available for the student. The remaining students, representing 6 percent of LEP students in grades 9-12, are not considered representative of LEP students in grades 9-12 statewide. As such, this report does not provide details of how LEP student performance ranks in Virginia's high schools.

College Attendance

As part of their support of students' academic achievement in high school, school divisions must prepare LEP students for college. One indicator that students are being prepared for college is the degree to which students attend college. The Department's end-of-year data collection from local education agencies includes a request that school divisions report students' plans after graduation. The information is not typically reported by the students, but rather by a teacher, counselor, or school administrator. Table 9 lists the plans reported for LEP students in grade 12 in the 2005-2006 school year. Fifty five (55) percent of the 2,181 grade 12 LEP students planned to continue their education, and more than 50 percent of the students planned to attend two- or four-year colleges.

Table 9. LEP 12th grade students reported plans after graduation, 2005-2006 school year.

| | Number | Percent |
|--------------------------|--------------|---------|
| Two-year college | 679 | 31 |
| Four-year college | 430 | 20 |
| Other educational plans | 86 | 4 |
| Employment | 176 | 8 |
| None | 76 | 4 |
| Military | 28 | 1 |
| Unknown | 706 | 32 |
| Total in grade 12 | 2,181 | |

The National Student Clearinghouse identified 616 Virginia LEP students enrolled in colleges and universities nationwide. These students attended 48 four-year and 29 two-year colleges in 16 states and the District of Columbia. Table 10 shows the number of students that could be verified as enrolled in postsecondary programs in the fall of 2006.

Table 10. Number of LEP students verified by the National Student Clearinghouse as enrolled in postsecondary education in the 2006 academic year.

| Type of institution | Total |
|--|-------|
| Two-year college | 420 |
| Four-year college | 195 |
| Less than two-year college | 1 |
| Total number of students verified as enrolled in postsecondary education | 616 |

It is not clear why students who reported plans after graduation were not verified as enrolled in postsecondary educational programs. Some students may be enrolled in colleges or universities that do not participate in the National Student Clearinghouse data collection program. Alternatively, students may not have pursued their plans for many different reasons, such as a lack of financial resources, family commitments and academic barriers.

Adequate Yearly Progress and the Federal *No Child Left Behind Act of 2001*

To comply with the *No Child Left Behind Act of 2001* (NCLB), the VDOE calculates schools' adequate yearly progress (AYP) towards the goals of NCLB in accordance with the *Virginia Board of Education Consolidated State Application: Amended Accountability Workbook*; LEP students are a subgroup required to reach AYP goals. On an annual basis, VDOE calculates SOL assessment pass rates on the SOL assessments at the school, division, and state level for all students that participated in the assessments, and for particular subgroups, including LEP students. These pass rates are compared to annual target pass rates established by the BOE for English (reading/language arts) and mathematics. Table 11 shows the pass rates for LEP and all students participating in high school SOL assessments. The table also shows Virginia's target pass rates established by the BOE for the past three years.

Table 11. LEP and all students' pass rates for high school SOL assessments as calculated to determine Virginia's adequate yearly progress toward NCLB goals.

| School year | Reading/language arts | | | Mathematics | | |
|---|-----------------------|------------|------------|-------------|------------|------------|
| | 2003-04 | 2004-05 | 2005-06 | 2003-04 | 2004-05 | 2005-06 |
| Adequate yearly progress (AYP) target pass rates | 61% | 65% | 69% | 59% | 63% | 67% |
| All students | 89% | 88% | 90% | 84% | 86% | 85% |
| LEP students | 75% | 70% | 73% | 78% | 81% | 80% |

Statewide, Virginia's LEP high school students have exceeded the annual target pass rates for the past three school years in English (reading/language arts) and mathematics, the priority disciplines in NCLB. Student progress on the high school assessments each year has not consistently increased over these same three years in either subject area. In 2006, LEP pass rates in mathematics increased by two percentage points compared to performance in 2004, although there was a one percentage point decrease from 2005 to 2006. LEP pass rates in 2006 on English assessments have decreased by two percentage points since 2004, although there was a three percentage point increase in pass rates from 2005 to 2006. Complete information on Virginia's pass rates as calculated for AYP for the past three years is available at: <https://eb02.vak12ed.edu/reportcard/report.do?division=All&schoolName=All>.

Graduation Requirements

The Virginia BOE graduation requirements include flexibility that can assist LEP students in their academic achievement, and successful completion of the requirements to earn a Standard or Advanced Studies Diploma. To earn a Virginia diploma, students must earn a combination of standard credits and verified credits. Standard course credits are earned by passing a course provided by school divisions; verified credits are earned by passing a course *and* passing the SOL assessment or BOE-approved substitute assessment. Table 12 shows the number of standard and verified credits required to graduate for students entering ninth grade for the first time in 2003-2004; these are students who, if they graduate in four years,

will graduate in the 2006-2007 school year.⁸ BOE-approved policies provide flexibility in the verified credits for science and history and social sciences, in that students may substitute assessments, credentials, and licenses earned from BOE-approved career and technical education programs to meet verified credit requirements.

Table 12. Standard and verified credits required to earn a standard diploma for students entering ninth grade for the first time in 2003-2004 or beyond (8 VAC 20-131-50.B).

| Discipline | Required standard credits | Required verified credits |
|---|---------------------------|---------------------------|
| English Language Arts | 4 | 2 |
| Mathematics ¹ | 3 | 1 |
| Laboratory Science ^{2,6} | 3 | 1 |
| History and Social Sciences ^{3,6} | 3 | 1 |
| Health and Physical Education | 2 | |
| Fine Arts or Career and Technical Education | 1 | |
| Electives ⁴ | 6 | |
| Student Selected Tests ⁵ | | 1 |

¹ Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least two course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of algebra and geometry. The board may approve additional courses to satisfy this requirement.

² Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics. The board may approve additional courses to satisfy this requirement.

³ Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one course in either world history or geography or both. The board may approve additional courses to satisfy this requirement.

⁴ Courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.

⁵ A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education or other areas as prescribed by the board in 8 VAC 20-131-110.

⁶ Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.

⁸ Information on BOE policies that apply to students who transfer into Virginia public schools later than 2003-2004 or entered ninth grade for the first time before 2003-2004, is available at <http://www.doc.virginia.gov/VDOE/studentsrvcs/gen-grad-req.pdf>.

In November 2006, the BOE adopted the use of the National Governors Association (NGA) graduate rate formula for implementation in 2008. The rate has a provision that allows certain LEP students to be assigned to different cohorts to allow them more time to graduate.

Ongoing Activities

The VDOE provides ongoing support and assistance to school divisions responsible for educating LEP students. These resources may be organized into the following five categories: 1) curriculum and instruction; 2) assessment; 3) parental involvement; 4) professional development opportunities; and 5) general resources. The resources available to the school divisions that support LEP student achievement at all grade levels are described below.

Curriculum and Instruction

English Language Proficiency Standards of Learning (currently under revision)

The English Language Proficiency Standards of Learning support the English language development of LEP students. The goal of these standards is to provide the foundation that will enable LEP students to be successful in the English Standards of Learning and in other content areas. The current version is available at:

<http://www.doe.virginia.gov/VDOE/Superintendent/Sols/EnglishSOL02.html>.

Mathematics: Strategies for Teaching Limited English Proficient (LEP) Students – A Supplemental Resource to the K-12 Mathematics Standards of Learning Enhanced Scope and Sequence, April 2004

This document serves as a supplement to the K-12 Mathematics Standards of Learning Enhanced Scope and Sequence, which helps teachers align their classroom instruction with the Mathematics Standards of Learning. The purpose of the document is to provide mathematics teachers with a brief overview of second language acquisition theory and suggest effective strategies for differentiating instruction for LEP students. The resource is available at: <http://www.doe.virginia.gov/VDOE/Instruction/ESL/#elpsol>.

Language Arts: Strategies for Teaching Limited English Proficient (LEP) Students – A Supplemental Resource to the K-12 English Standards of Learning Enhanced Scope and Sequence, January 2006

This document serves as a supplement to the K-12 English Standards of Learning Enhanced Scope and Sequence, which helps teachers align their classroom instruction with the English Language Arts Standards of Learning. The purpose of this document is to provide language arts and content teachers with a brief overview of second language acquisition theory and suggest effective strategies for differentiating instruction for LEP students. The document is available at: <http://www.doe.virginia.gov/VDOE/Instruction/ESL/#elpsol>.

Using the mathematics and language arts documents as a framework, VDOE is preparing a supplemental resource to the K-12 Standards of Learning enhanced scope and sequence materials for science instruction to support LEP student instruction.

Project Graduation

Under Project Graduation, VDOE awards grants of up to \$85,000 to schools and partnerships of schools to provide remedial instruction for students who have not earned verified credits in English: Reading, and/or English: Writing, Algebra I, Geometry, History, and/or Science, and to provide additional assistance to students with disabilities who are pursuing Modified Standard diplomas. In 2006, Project Graduation grants encouraged school divisions to focus their resources on groups of students with demonstrated achievement gaps. For some divisions, this included LEP students.

Assessment*Plain English version of the Mathematics Standards of Learning Assessment for LEP Students*

A plain English version of the mathematics SOL assessment for grades three through eight and Algebra I is available for LEP students at the lowest levels of English language proficiency. The plain English versions assess the same content as the regular mathematics assessments but have language modifications. More information is available at: <http://www.doe.virginia.gov/VDOE/Instruction/ESL/#elpa>.

A plain English version of a science end-of-course SOL assessment is being developed for use in the 2007-2008 school year. The plain English version will assess the same content as the regular assessment, but will have language modifications.

Parental Involvement*Best Practices for Inclusion of LEP Parents Guide in partnership with USED Office of Civil Rights*

The purpose of this document is to help school divisions develop parental involvement programs that are accessible to LEP parents, address their unique needs, and, ultimately, have a positive influence on LEP students' academic achievement. This document serves as a vehicle for school personnel working with LEP parents to share effective practices and network with other school divisions. The document is available at: <http://www.doe.virginia.gov/VDOE/Instruction/ESL/increasing-LEP-parent-involvement.pdf>.

Selected Examples of Professional Development Opportunities

The VDOE offers professional development opportunities to Virginia's teachers. The following opportunities are available to support LEP student achievement.

Technical Assistance Academy for New Title I, Title II, and Title III Coordinators

Held annually, this technical assistance academy focuses on providing new coordinators with guidelines and information related to implementing the requirements of the *No Child Left Behind Act of 2001*. More information is available at: <http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf051.html>.

From Vision-to-Practice Annual Academy: Implementing the No Child Left Behind Act of 2001

Held annually, this technical assistance academy focuses on providing schools and school divisions with strategies and scientifically-based research for improved student achievement. More information on this academy is available at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf055.html>.

Parents Educating Parents (PEP) Training Academy for Title III Coordinators

Offered annually, this training academy provides school divisions with a structured program for including parents of LEP students in the education of their children. Along with a companion framework document, *Increasing Limited English Proficient (LEP) Parent Involvement*, the academy is designed to help school divisions develop parental involvement programs that are accessible to LEP parents, address their unique needs, and have a positive influence on LEP students' academic achievement. More information about this program is available on the Department's English as a Second Language (ESL) Web site at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf122.html>.

Graduate-level course, Reading and Writing Strategies for LEP Students

VDOE in conjunction with George Mason University offers a graduate level course to support LEP student instruction. The course, offered three times per year since 2004, focuses on: 1) literacy development; 2) the reading and writing process in first and second languages; 3) research on reading comprehension; and 4) effective teaching and assessment approaches for students from diverse cultural and linguistic backgrounds. The course has been offered during the fall, spring, and summer semesters in different locations throughout the Commonwealth. More information is available at:

<http://www.doe.virginia.gov/VDOE/suptsmemos/2006/inf161.html>.

Sheltered Instruction Observation Protocol (SIOP) Academies

To support school divisions' ability to improve instruction for LEP and other students, VDOE is conducting a series of SIOP training courses for selected school divisions. SIOP is a research-based approach to planning and implementing sheltered content lessons that has proven effective with English language learners throughout the United States (Guarino, Echevarria, Short, Schick, Forbes, & Rueda, 2001).

General Resources to Support LEP Students

The Department of Education's ESL Web site provides school divisions with information on several LEP resources, such as the *ESL Handbook for Teachers and Administrators*, several documents translated into Spanish, information on how to reach interpreters, and presentations from professional development academies and conferences. The Web site and LEP resources are available at: <http://www.doe.virginia.gov/VDOE/Instruction/ESL/>.

Recommendations

1. Review the formula that provides funding to school divisions for ESL teachers, and conduct a study to assess the impact of increasing resources available to school divisions to support LEP student achievement.
2. Support the National Governors Association four-year graduation rate provision that permits states to assign LEP students to different cohorts to allow them more time to graduate.
3. Review the BOE guidance document on General Achievement Diplomas to clarify accessibility of this diploma option for LEP students.
4. Continue to work with the United States Department of Education (USED) to develop equitable practices for including LEP students in the state's accountability system.
5. Continue to provide technical assistance and consider the development of additional resources that can support LEP student achievement and increased high school graduation rates.

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Appendix A: Legislative Mandate — 2006 General Assembly

CHAPTER 526, 2006 ACTS OF GENERAL ASSEMBLY

An Act relating to the requirements for obtaining a high school diploma and students with limited English proficiency.

[S 683]

Approved April 4, 2006

Be it enacted by the General Assembly of Virginia:

1. § 1. *Certain data collection and analysis required.*

A. The Board and Department of Education shall collect statewide data on Virginia's public school students with limited English proficiency (LEP) and school division programs for LEP students that shall include, but need not be limited to, (i) the demographics of Virginia's LEP students, including country of origin, first or native language, school attendance in the country of origin, and age and grade of first enrollment in a Virginia public school; standards of learning assessment scores; reasons for dropping out of high school; barriers to high school graduation; graduation rates; kinds of diplomas awarded to LEP students, class standing, and college aspirations and attendance; and (ii) school division programs designed to assist LEP students in academic achievement, such as exercising the option to allow LEP students to attend until attaining the age of 22, providing targeted remediation classes for students who have failed the English 11 standard of learning assessments, summer school English for Speakers of Other Languages (ESOL) classes, after-school and weekend tutoring, and other strategies to assist older high school LEP students in meeting graduation requirements.

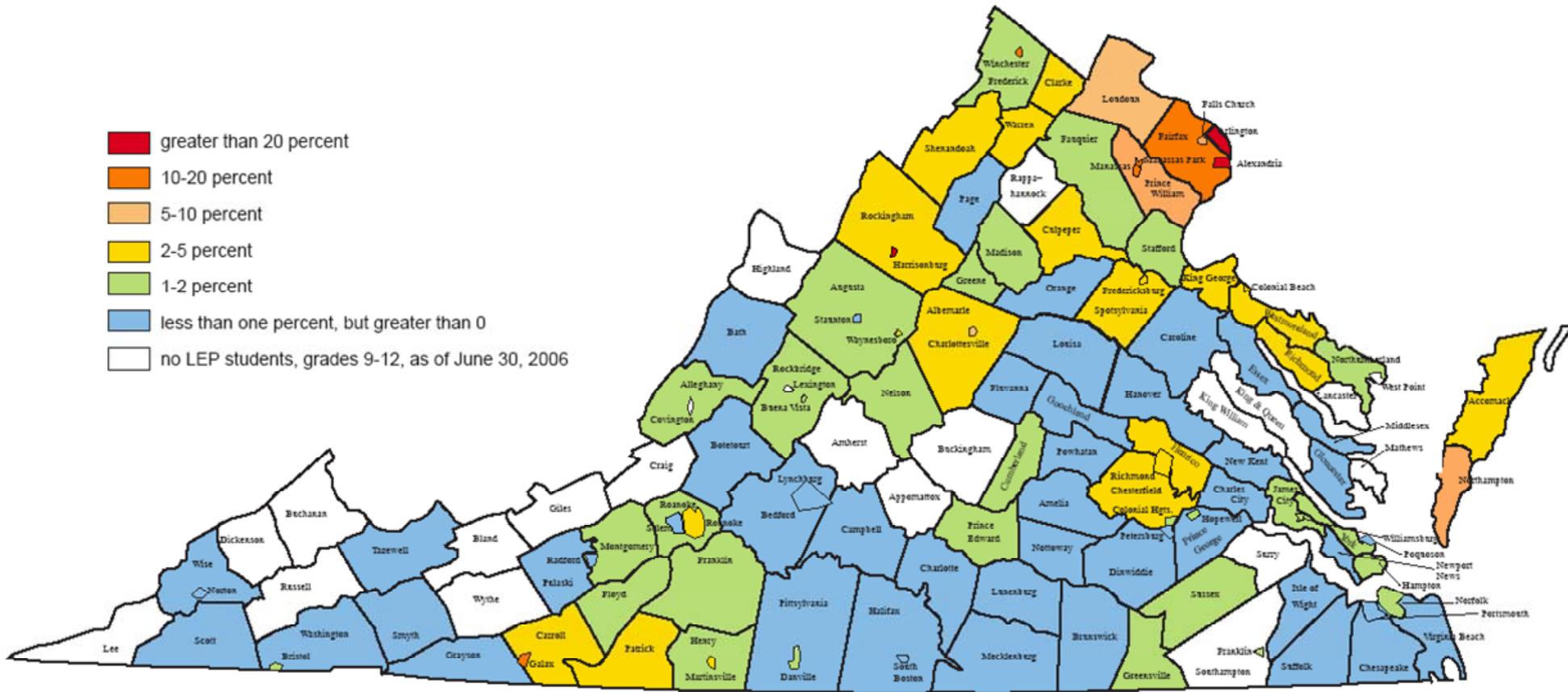
B. The Board and Department shall (i) analyze the data required to be collected by subsection A in relationship to the requirements for obtaining a high school diploma as set forth in the Standards for Accrediting Public Schools in Virginia, the federal No Child Left Behind Act, and the needs of LEP students; and (ii) by December 1, 2006, recommend to the Senate Committee on Education and Health and the House Committee on Education steps to resolve the issues relating to the requirements for obtaining a high school diploma and students with limited English proficiency that will retain high academic standards and accountability, while assisting such students in their endeavors to obtain an education and to become productive Virginians.

Appendix B: Distribution of Grade 9-12 LEP Students in Virginia, 2005-2006

Virginia's LEP students are largely concentrated in Northern Virginia. Figure 1 shows the distribution of LEP students in grades 9-12 relative to the entire grade 9-12 LEP population in Virginia. Several school divisions with relatively small numbers of LEP students educate significant percentages of LEP students relative to their total grade 9-12 student population. This is illustrated in Figure 2.

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Figure 2. Percent of LEP students in grades 9-12 enrolled at the end of the 2005-2006 school year, as a function of each divisions' total enrollment in grades 9-12.



Information is based on data reported by local school divisions to the Virginia Department of Education

Appendix C: Services offered to LEP students by school division

One hundred twelve (112) school divisions reported information on the policies and services they provide to LEP students in grades 9-12. This table lists the responses from school divisions. Note that some divisions responded to the data request although they do not currently serve LEP students in these grades.

| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|---------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 1 | Accomack | √ | √ | | √ | | √ | | |
| 2 | Albemarle | √ | √ | √ | √ | | √ | | |
| 101 | Alexandria | √ | | √ | √ | √ | √ | √ | √ |
| 3 | Alleghany | √ | √ | | √ | | √ | | |
| 4 | Amelia | √ | √ | | √ | | | | |
| 7 | Arlington | √ | √ | √ | √ | √ | √ | √ | √ |
| 8 | Augusta | √ | √ | | √ | | √ | | |
| 9 | Bath | | | | √ | | √ | | |
| 10 | Bedford | √ | √ | √ | √ | | | | |
| 12 | Botetourt | √ | | √ | √ | | √ | | |
| 102 | Bristol | √ | √ | √ | √ | | √ | | |

⁹ A summary of the additional programs and services is provided in the body of this report.

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| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|------------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 103 | Buena Vista | | | | √ | | √ | | |
| 16 | Campbell | √ | | | | | √ | | |
| 17 | Caroline | √ | √ | | √ | √ | √ | | |
| 18 | Carroll | | √ | √ | √ | | | | |
| 20 | Charlotte | √ | √ | | √ | | √ | | |
| 104 | Charlottesville | √ | √ | | √ | | √ | | |
| 136 | Chesapeake | √ | √ | √ | | | √ | | |
| 21 | Chesterfield | √ | √ | √ | √ | | √ | √ | |
| 22 | Clarke | √ | √ | | √ | | √ | | |
| 202 | Colonial Beach | √ | √ | | √ | | | | |
| 106 | Colonial Heights | √ | √ | | √ | | | | |
| 24 | Culpeper | √ | | | | | | | |
| 25 | Cumberland | | √ | | √ | | | | |
| 108 | Danville | √ | √ | √ | √ | √ | √ | | |
| 27 | Dinwiddie | √ | | | √ | √ | √ | | |
| 28 | Essex | √ | √ | | √ | | √ | | |
| 29 | Fairfax County | √ | √ | √ | √ | | √ | √ | √ |
| 109 | Falls Church | √ | | | √ | | √ | | |

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| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|-----------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 30 | Fauquier | √ | √ | √ | | | √ | | |
| 31 | Floyd | √ | √ | | √ | | √ | | |
| 32 | Fluvanna | √ | √ | | √ | | | | |
| 135 | Franklin City | √ | √ | | √ | | √ | | |
| 33 | Franklin County | √ | √ | √ | √ | √ | √ | | |
| 34 | Frederick | √ | √ | | | √ | √ | | |
| 110 | Fredericksburg | √ | √ | | √ | | √ | | |
| 111 | Galax | √ | √ | | √ | | | | √ |
| 36 | Gloucester | | √ | | √ | √ | | | |
| 37 | Goochland | √ | √ | √ | √ | | √ | | |
| 38 | Grayson | √ | √ | √ | | √ | | | |
| 39 | Greene | √ | | | | | √ | | |
| 40 | Greensville | √ | √ | √ | √ | | √ | | |
| 41 | Halifax | √ | √ | | √ | | √ | | |
| 112 | Hampton | √ | √ | √ | √ | | √ | | |
| 42 | Hanover | √ | √ | √ | √ | √ | √ | | |
| 113 | Harrisonburg | √ | √ | √ | √ | | √ | √ | √ |
| 43 | Henrico | √ | √ | √ | √ | √ | √ | √ | |

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| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|----------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 44 | Henry | √ | √ | √ | √ | | √ | | |
| 114 | Hopewell | | √ | √ | √ | | √ | | |
| 46 | Isle of Wight | √ | √ | | √ | | √ | | |
| 49 | King and Queen | √ | √ | | | | √ | | |
| 48 | King George | √ | √ | | √ | | | | |
| 51 | Lancaster | √ | √ | | √ | | √ | | |
| 53 | Loudoun | | √ | √ | √ | | √ | √ | |
| 54 | Louisa | √ | √ | | √ | | √ | | |
| 55 | Lunenburg | √ | √ | √ | √ | | √ | | |
| 115 | Lynchburg | | | | | | √ | | |
| 56 | Madison | √ | | | | | √ | | |
| 143 | Manassas City | √ | √ | | √ | | √ | √ | √ |
| 144 | Manassas Park | √ | √ | | √ | | √ | | √ |
| 116 | Martinsville | √ | | | | | √ | | |
| 58 | Mecklenburg | √ | | | | | √ | | |
| 59 | Middlesex | √ | √ | | √ | | √ | | |
| 60 | Montgomery | √ | √ | | √ | | √ | | |
| 62 | Nelson | √ | | | √ | | | | |

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| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|----------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 63 | New Kent | | √ | | √ | | | | |
| 117 | Newport News | √ | | √ | √ | | √ | | |
| 118 | Norfolk | √ | √ | | √ | | √ | | |
| 65 | Northampton | √ | √ | | √ | | √ | | |
| 66 | Northumberland | √ | √ | | √ | √ | √ | | |
| 119 | Norton | √ | √ | | √ | √ | √ | | |
| 67 | Nottoway | √ | √ | | √ | | √ | | |
| 68 | Orange | √ | √ | √ | √ | | √ | | |
| 69 | Page | √ | √ | | √ | | √ | | |
| 70 | Patrick | | | | | | √ | | |
| 120 | Petersburg | √ | √ | | √ | | | | |
| 71 | Pittsylvania | √ | √ | | | | √ | | |
| 142 | Poquoson | √ | √ | | | | | | |
| 121 | Portsmouth | | √ | | √ | √ | | | |
| 72 | Powhatan | √ | √ | √ | | √ | | | |
| 73 | Prince Edward | √ | √ | | √ | | √ | | |
| 74 | Prince George | √ | √ | | | | √ | | |
| 75 | Prince William | √ | √ | √ | √ | | √ | √ | |

VIRGINIA BOARD OF EDUCATION

| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|-----------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 77 | Pulaski | √ | | | √ | | √ | | |
| 122 | Radford | | | | | | √ | | |
| 78 | Rappahannock | √ | √ | √ | √ | | | | |
| 123 | Richmond City | √ | √ | √ | √ | √ | √ | | |
| 79 | Richmond County | √ | √ | | √ | | | | |
| 80 | Roanoke | √ | √ | | √ | | √ | | |
| 81 | Rockbridge | √ | √ | √ | √ | | √ | | |
| 82 | Rockingham | √ | √ | √ | | √ | √ | | |
| 139 | Salem | | √ | | √ | | √ | | |
| 84 | Scott | √ | √ | √ | √ | | √ | | |
| 85 | Shenandoah | √ | √ | √ | √ | | √ | | |
| 86 | Smyth | √ | √ | | √ | √ | √ | | |
| 88 | Spotsylvania | √ | √ | √ | | √ | √ | | |
| 89 | Stafford | √ | √ | | √ | | √ | | |
| 126 | Staunton | √ | √ | √ | √ | | | | |
| 127 | Suffolk | √ | √ | | √ | | | | |
| 90 | Surry | | √ | | √ | | | | |
| 91 | Sussex | √ | √ | √ | √ | | | | |

VIRGINIA BOARD OF EDUCATION

| Division number | Division Name | Exercises the option to attend school to age 22 | Remediation for LEP students that fail the English 11 SOL | ESL summer school | After-school tutoring | Weekend tutoring | Reported other programs and services ⁹ | Serves at least 1% of Virginia's LEP students enrolled in grades 9-12 | At least 10% of the division's students in grades 9-12 are LEP |
|-----------------|--------------------|---|---|-------------------|-----------------------|------------------|---|---|--|
| 92 | Tazewell | √ | √ | | √ | | | | |
| 128 | Virginia Beach | √ | √ | √ | √ | | √ | √ | |
| 93 | Warren | √ | √ | √ | | √ | | | |
| 94 | Washington | √ | √ | | √ | | | | |
| 130 | Waynesboro | √ | √ | √ | √ | √ | | | |
| 95 | Westmoreland | √ | √ | √ | √ | | √ | | |
| 131 | Williamsburg-James | √ | √ | √ | √ | | √ | | |
| 132 | Winchester | √ | √ | √ | √ | | √ | | √ |
| 96 | Wise | | | | | | | | |
| 97 | Wythe | √ | √ | | | | | | |
| 98 | York | √ | √ | | √ | | √ | | |

Appendix D: Details of the Statistical Models of SOL Assessment Data

The Department of Education analyzed the SOL assessment scale scores to determine whether performance on the English 11 reading and writing SOL assessments was related to performance on the remaining ten SOL assessments during the 2005-2006 school year for individual students that participated in more than one assessment in 2006. For these analyses, it is noteworthy that longitudinal analyses would not be appropriate, as the underlying hypotheses of this analysis is that students’ underlying academic English proficiency at a given point in time, as measured by the reading and writing components of the SOL assessment, is related to performance on all other SOL assessments. Further, it was predicted that as performance on the English 11 SOL reading and writing assessments increases, so does performance on the other SOL assessments.

Results of the analyses show that performance on the English 11 SOL reading and writing assessments are related. The Pearson correlation coefficient, $r = 0.63$, indicating a strong relationship between scores on the two components of the English 11 SOL assessment for LEP students. Table 1 shows the correlations between the English 11 SOL reading and writing assessments and the other SOL assessments. These relationships were moderate to strong for all SOL assessments, which indicate that for individual students, higher scores on the English 11 SOL assessments are associated with higher scores on the other SOL assessments.

Table 1. Pearson correlation coefficients (r) between the English 11 SOL reading and writing assessments and other SOL assessment scale scores for LEP students grades 9-12, enrolled in the 2005-2006 school year.

| | English reading | Number* | English writing | Number* |
|--------------------------|------------------------|----------------|------------------------|----------------|
| Algebra I | 0.37 | 184 | 0.47 | 241 |
| Algebra II | 0.40 | 551 | 0.37 | 650 |
| Geometry | 0.39 | 633 | 0.34 | 756 |
| Biology | 0.39 | 260 | 0.51 | 378 |
| Chemistry | 0.46 | 507 | 0.46 | 573 |
| Earth Science | 0.53 | 464 | 0.49 | 544 |
| VA and US History | 0.61 | 1,305 | 0.57 | 1,377 |
| World History I | 0.41 | 75 | 0.46 | 106 |
| World History II | 0.70 | 146 | 0.66 | 197 |
| World Geography | 0.40 | 39 | 0.59 | 45 |

*Number of students who had scores in both the English component of the SOL assessment and the other SOL assessments in the analysis.

In addition, the Department conducted a multiple regression analysis in which the combination of the English reading and writing components of the English 11 SOL

assessments were used to estimate student scores on the other SOL assessments. The results of this analysis provide answers to the following questions:

- How well can scale scores on the combination of English 11 reading and writing SOL assessments estimate scores on each of the other SOL assessments?
- Do the components of the English 11 SOL reading and writing assessments independently contribute to a multiple regression model estimating performance on each of the other SOL assessments?

The Venn diagrams in Figures 1 and 2 illustrate the information that these analyses provide. The results of these analyses are shown in Table 2.

Figure 1 illustrates the relationship between performance on the English reading and writing components of the English 11 SOL assessment, and performance on the World History II SOL assessment. English writing and reading together account for 57 percent of the variance in performance on the World History II SOL assessment. In Figure 1, this is illustrated by the overlapping areas between English reading, writing, and World History II, or the combination of the sections marked A, B, and C (A+B+C). The English 11 reading component uniquely accounts for 11 percent of the variance in performance on the World History II SOL assessment. In Figure 1, this is illustrated by the section marked “A”, which is the area of overlap between performance on the reading component of the English 11 SOL assessment—to the exclusion of the overlapping area that includes World History II, English reading and English writing, which is marked “C.” Also, English writing accounts for 7 percent of the variance in World History II scores, above and beyond the variance accounted for by the two English SOL assessments combined, as marked by “B” in Figure 1. These results suggest that the scale scores on the English 11 SOL assessment are strong predictors of performance on the World History II SOL assessment, and that the skills required on the writing and reading components of the SOL assessment contribute independently to the performance on the World History II SOL assessment.

For comparison, consider the smaller overlapping areas in Figure 2. This figure illustrates the smaller amount of variance that the combination of performance on the English reading and writing SOL assessment account for in performance on the biology SOL assessment. In this analysis, results show that performance on the English 11 reading and writing SOL assessments combined account for 22 percent of the variance in performance on the biology SOL assessment (A+B+C). Performance on the English 11 reading and writing assessments uniquely account for 6 and 8 percent of the variance, as illustrated by “A” and “B” respectively.

Figure 1. Illustration of the results of a multiple regression analysis using English 11 SOL assessment scores to predict performance on the World History II SOL assessment.

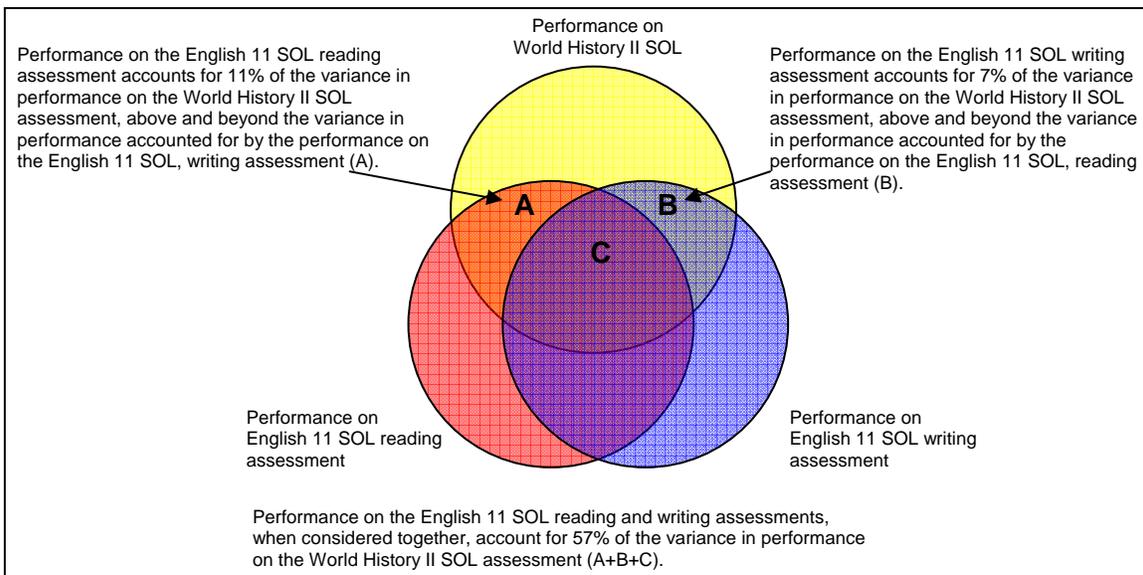
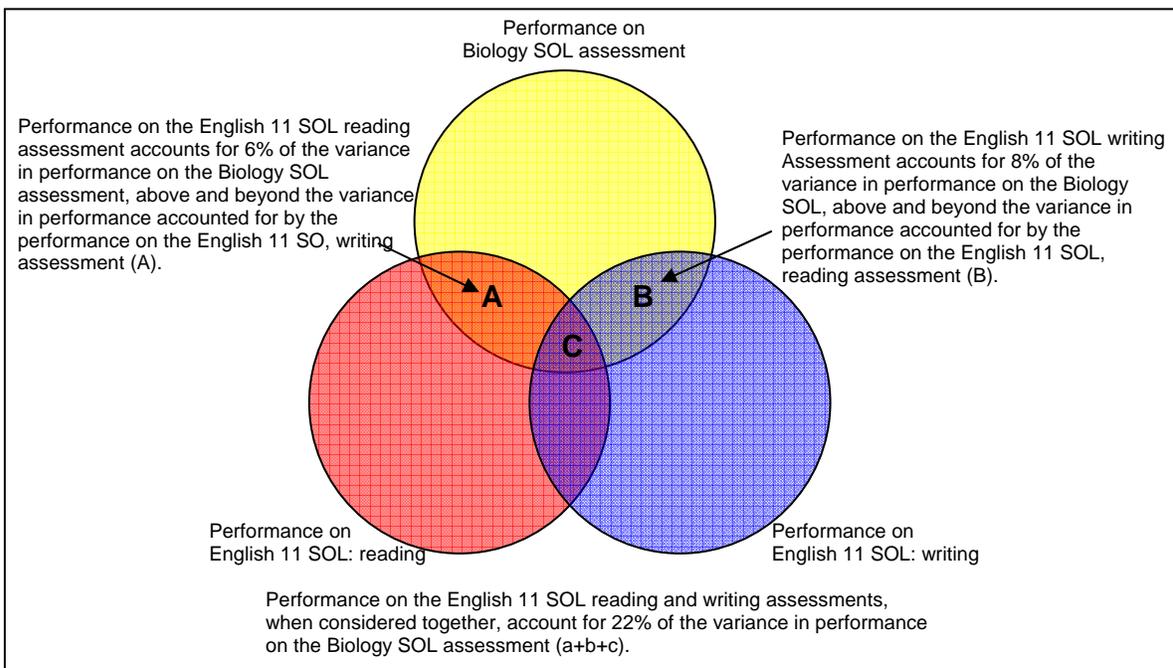


Figure 2. Illustration of the results of a multiple regression analysis using English 11 SOL assessment scores to predict performance on the Biology SOL assessment.



The results of these analyses and the multiple regression that uses performance on the English 11 reading and writing assessments to predict performance on all other SOL assessments are shown in Table 2.

Table 2. Results of the multiple regression analysis predicting SOL assessment scores with the English 11 SOL.

| | | | Unique proportion of the variance accounted for by | |
|-------------------|---------|--|--|-----------------|
| SOL assessment | Number* | Variance accounted for by writing and reading combined | Writing | Reading |
| Algebra I | 173 | 30% | 15% | ns ⁺ |
| Algebra II | 527 | 19% | 4% | 5% |
| Geometry | 595 | 20% | 4% | 6% |
| Biology | 249 | 22% | 8% | 6% |
| Chemistry | 481 | 27% | 5% | 5% |
| Earth Science | 451 | 36% | 8% | 8% |
| VA and US History | 1,224 | 42% | 5% | 10% |
| World History I | 75 | 27% | 13% | 7% |
| World History II | 141 | 57% | 7% | 11% |
| World Geography | 37 | 38% | 25% | ns ⁺ |

*Number of students for which assessment data were available for three SOL assessments

⁺ns: the results of this component of the analysis were not statistically significant, which indicates that performance on the component of the SOL assessment does not contribute uniquely in the equation, or that there were not enough students in the sample to identify the relationship statistically.

These results suggest that the skills required for success on each component of the English SOL assessments are important for success on all of Virginia’s SOL assessments. More specifically, the results suggest the following:

- There is a strong relationship between performance on the English 11 SOL assessment and performance on other SOL assessments.
- This relationship suggests that the skills required to pass the English 11 SOL assessment are also required to pass the other SOL assessments.
- The relationship is strongest in World History II and Virginia and U.S. History.
- The relationship is smallest, but still significant for Biology and Geometry.
- The skills that contribute to performance on the reading and writing components of the English 11 SOL assessment contribute independently to performance on all but two of the other SOL assessments.

Board of Education Agenda Item

Item: _____ F. _____

Date: _____ January 10, 2007 _____

Topic: Final Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Under the *No Child Left Behind Act of 2001*

Presenter: Dr. Linda M. Wallinger, Assistant Superintendent for Instruction
Ms. Shelley Loving-Ryder, Assistant Superintendent for Assessment and Reporting

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(804) 225-2102

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Shelley.Loving-Ryder@doe.virginia.gov

Origin:

____ Topic presented for information only (no board action required)

X Board review required by
X State or federal law or regulation
____ Board of Education regulation
____ Other: _____

X Action requested at this meeting ____ Action requested at future meeting: _____

Previous Review/Action:

____ No previous board review/action

X Previous review/action
date October 25, 2006, and November 29, 2006
action Final Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Affecting Calculations of Adequate Yearly Progress (AYP) for the 2007-2008 School Year Based on Assessments Administered in 2006-2007 and First Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Under the *No Child Left Behind Act of 2001*

Background Information:

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. In May 2002 the Virginia Board of Education submitted and received USED approval for its initial Consolidated State Application under NCLB. The NCLB application process involves multiple submissions of information, data, and policies. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook. The workbook describes a single statewide accountability system for the Commonwealth. Virginia received USED approval for its accountability workbook in June 2003. Additional amendments were made to Virginia's workbook in September 2003, May 2004, June 2005, and June 2006. The policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2006-2007 school year based on 2005-2006 assessment results are described in the amended workbook dated June 28, 2006.

States are permitted to revise their Consolidated State Application Accountability Workbook by submitting requests for review and approval to USED. USED has requested that states submit their amendment requests that would impact AYP determinations for 2007-2008 by February 15, 2007. At the October Board of Education meeting, certain amendments affecting the calculation of AYP for the 2007-2008 school year were approved. Based on five years of implementing NCLB, the Virginia Department of Education has identified additional policy changes that will minimize unintended consequences in implementation of AYP policies. As a result, consideration of the additional proposed amendments for submission to USED is requested.

Summary of Major Elements

Revisions are being proposed to several critical elements in the Consolidated State Application Accountability Plan. The statutory authority that permits states to request, and the U. S. Secretary of Education to approve, waivers to requirements in NCLB is found in Section 9401 of the federal law:

“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL – Except as provided in subsection (c), the Secretary may waive any statutory agency, Indian tribe, or school through a local educational agency, that –

- (1) receives funds under a program authorized by this act; and
- (2) requests a waiver under subsection (b).”

Virginia’s proposed amendments fall under five areas: 1) reversing the order of the public school choice and supplemental educational services sanctions; 2) extending flexibility in AYP calculations for students with disabilities (SWD); 3) identifying targets for graduation rate for certain years; 4) modifying testing and AYP calculation policies for limited English proficient (LEP) students; and 5) expanding options for the other academic indicator. One amendment that was proposed at the November 29, 2006, meeting has been deleted as a result of concerns expressed by Board members and other stakeholders: Use of a Proxy Percent for LEP students in the calculation of AYP for the 2007-2008 school year. Attachment A describes each proposed amendment and the rationale for the proposed request.

On December 13, 2006, the amendments were also presented to Virginia’s NCLB Committee of Practitioners for review and comment, as required under Section 1903(b). A summary of the recommendations of the committee follows.

| Recommendation | Status |
|---|--|
| Include additional flexibility for inclusion of limited English proficient (LEP) students in the accountability system. | Included. |
| Count students as passing if they pass a Standards of Learning (SOL) assessment after the initial attempt. | Previously approved. This request was approved by the United States Department of Education (USED) in July 2006, as follows: Virginia will count in Adequate Yearly Progress (AYP) determinations the passing scores of all students who retake tests needed for graduation. |
| Allow schools and school divisions to make AYP without meeting all 29 indicators. | Not included. The Board has previously sought various versions of this request that USED has not approved. Virginia has been approved for one modification related to the request: to calculate AYP based on the same subject across all grade spans. |

| Recommendation | Status |
|--|---|
| Support the November 2006 recommendation that requested the use of a proxy percent for limited English proficient (LEP) students based on a similar model used for students with disabilities. | Not included. Concerns were expressed about the use of the percent proxy for limited English proficient (LEP) students being based on the model used for students with disabilities. The point was made that LEP students do not have a documented disability, but instead lack proficiency in English. |
| Include the General Educational Development (GED) certificate in the calculation of the graduation rate. | Not included. Section 8 VAC 20-131-5 of the <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i> defines a “graduate” as a student who has earned a Board of Education recognized diploma, which includes the Advanced Studies, Standard, Modified Standard, Special, and General Achievement diplomas. |

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education accept for final review the proposed amendments to the Virginia Consolidated State Application Accountability Plan as permitted in Section 9401 of the federal law.

Impact on Resources:

The provisions of the *No Child Left Behind Act of 2001* require the Department of Education to collect and analyze data related to determining Adequate Yearly Progress (AYP) for all schools and school divisions in the state as well as to collect and report additional data on English language proficiency for LEP students. These requirements will continue to have an impact on the agency’s resources.

Timetable for Further Review/Action:

Following final approval, the proposed revisions will be submitted to the United States Department of Education as amendments to Virginia’s Consolidated State Application Accountability Workbook by the deadline of February 15, 2007.

**Proposed Amendments to Virginia’s Consolidated State Application
Accountability Plan as Required by the *No Child Left Behind Act of 2001*
(NCLB)**

January 10, 2007

NCLB Statutory Authority for Amendment Requests:

“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

- (b) IN GENERAL – Except as provided in subsection (c), the Secretary may waive any statutory agency, Indian tribe, or school through a local educational agency, that –
 - (1) receives funds under a program authorized by this act; and
 - (2) requests a waiver under subsection (b).”

| |
|---|
| <p><i>1. Reversing Order of School Improvement Sanctions (Critical Elements 1.6 and 4.1)</i></p> |
|---|

Request: Virginia will allow schools the flexibility to reverse the order of sanctions in the first two years of school improvement. Supplemental educational services may be offered to eligible students attending Title I schools in improvement in the first year and public school choice in the second year.

Rationale: Currently, USED requires Title I schools in Year One Improvement status to provide eligible students the option of public school choice. Title I schools in Year Two Improvement status must provide eligible students supplemental educational services (SES) and continue to offer choice. An effective school choice plan requires time to develop and communicate to parents and the public. AYP is calculated using test scores from the spring administration; therefore, AYP determinations are not available until late July or early August. This is too close to the opening of school for choice plans to be implemented effectively. A more effective intervention strategy for the first year of improvement is offering eligible students SES while planning for choice implementation. If the school moves to Year Two Improvement status, the school would offer choice while continuing to provide SES.

Virginia has participated in a USED pilot for the past two years that permits four school divisions to provide SES to eligible students in Title I schools in the first year of school improvement in lieu of choice, thereby reversing the order of sanctions as specified in the law. The pilot divisions report favorable results in higher levels of student participation as well as improved student achievement.

2. Assessing Students with Disabilities – Use of Two Percent Proxy and One Percent Exception (Critical Element 5.3)

Request: Virginia will continue to implement the United State's Secretary of Education's Transition Option Number 1 (2 percent proxy) for the inclusion of students with disabilities in the calculation of Adequate Yearly Progress (AYP) for the 2007-2008 school year, based on assessments administered to those students during the 2006-2007 school year. The proxy will be calculated in accordance with guidance disseminated by USED on May 10, 2005. In addition, Virginia requests an exception of 1.1 percent to the 1 percent cap on the number of proficient and advanced scores from alternative assessments based on alternate achievement standards that may be included in AYP.

Rationale: The U.S. Secretary of Education has extended the use of a proxy for students with disabilities who are pursuing modified achievement standards until final regulations on the application of flexibility for these students are promulgated. Virginia is requesting a continuation of the use of the proxy for these students under this extension.

The exception of 1.1 percent to the 1 percent cap on the number of proficient and advanced scores from the Virginia Alternate Assessment Program (VAAP) that may be included in AYP is being requested because final data on proficiency scores for VAAP are not yet available. It is possible that the number will fall below 1 percent. However, approval of the use of a 1.1 percent cap will provide the Virginia Department of Education with sufficient flexibility to work with those school divisions that have justifiably exceeded a 1 percent cap for the VAAP proficiency rate.

3. Annual Measurable Objectives for Graduation Rate (Critical Element 3.2b)

Request: Virginia will recalculate the graduation rate and annual measurable objective (AMO) using the formula and methodology approved by USED in 2003 in the Consolidated State Application Accountability Workbook. Current graduation data will be used to recalculate the AMO. This interim AMO will be used for the graduation rate through 2008 Adequate Yearly Progress (AYP) calculations when the statewide individual student record system is able to provide a more accurate accounting of the graduation rate in Virginia. The interim AMO will be 61 percent. As required by USED, this represents the percent of on-time graduates who receive a Standard or Advanced Studies Diploma.

Rationale: Longitudinal graduation rate data will not be available to set a revised graduation rate target until 2008. At that time, the graduation rate targets for 2008-2009 and beyond will be recalculated and used in determining AYP ratings beginning in 2009-2010. (AYP ratings are based on the prior year's graduation rate.) The NCLB graduation rate formula also will be revisited in 2008-2009 for alignment with the Board's adoption of the NGA graduation rate formula.

| Annual Measurable Objectives for Graduation Rate Expressed as Percents | | | | | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 | 2007-2008 | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 |
| 57 | 57 | 57 | 57 | 61 | 61 | TBD | TBD | TBD | TBD | TBD | TBD |

4. Assessing Limited English Proficient Students – “Recently Arrived” Definition (Critical Element 5.4)

Request: Virginia will exempt recently arrived LEP students at levels 1 and 2 of English language proficiency from the state reading/language arts assessment for two consecutive years.

Rationale: Virginia will expand the definition of recently arrived LEP students as those students at English language proficiency levels 1 and 2 who have attended schools in the United States for less than 24 months. The current USED regulations released on September 13, 2006, on this topic define recently arrived as LEP students who have attended schools in the U.S. for less than 12 months. This expansion of the definition would provide LEP students adequate time to learn English before being required to take the grade-level reading/language arts assessment.

~~5. Assessing Limited English Proficient Students – Use of a Proxy Percent (Critical Element 5.4)~~

~~**Request:** Virginia will apply a proxy percent for limited English proficient (LEP) students in the calculation of Adequate Yearly Progress (AYP) for the 2007-2008 school year, based on assessments administered to those students during the 2006-2007 school year.~~

5. Other Academic Indicator (Critical Element 7.2)

Request: Virginia will allow school divisions to choose, for each of its elementary and middle schools and schools without a graduating class, attendance or performance on state science, writing, or history and social science assessments as the other academic indicator. The choice of using either attendance or performance on state science, writing, or history and social science as the other academic indicator will also apply to the “safe harbor” AYP calculation methodology.

Rationale: Currently, prior to the beginning of the school year, each school division chooses, for each of its elementary and middle schools and schools without a graduating class, either attendance or performance on state science assessments as the other academic indicator. This request would permit school divisions flexibility to choose attendance or performance on state science, writing,

or history and social science assessments as the other academic indicator. The annual measurable objective (state target) for measuring progress in science is set at 70 percent proficient, consistent with the provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. The annual measurable objective (state target) for measuring progress in writing and history and social science will be set at 70 percent proficient, consistent with provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and grant approval for the Department of Education to proceed with the revision process for the *Health Education, Physical Education and Driver Education Standards of Learning*.

Impact on Resources:

The Department of Education administers the state standards review process. The agency's existing resources can absorb this responsibility at this time.

Timetable for Further Review/Action:

Upon approval, the Department of Education will provide information to all interested parties according to the timeline described in Attachment A.

**PROPOSED SCHEDULE FOR THE REVIEW OF
THE HEALTH EDUCATION, PHYSICAL EDUCATION AND DRIVER EDUCATION
STANDARDS OF LEARNING**

- January 2007** A Superintendent’s Memorandum is distributed that:
- announces the schedule of the review process;
 - announces the availability of a *Standards of Learning* review/comment page on the Department of Education Web site;
 - requests that division superintendents share information about the Web site with instructional staff; and
 - requests that division superintendents submit nominations for review team members.
- The Department of Education posts on its Web site a *Standards of Learning* review/comment page for the 2001 *Health Education, Physical Education and Driver Education Standards of Learning*. The page will be active for 30 days.
- February 2007** The Department of Education seeks nominations for other stakeholders and identifies members of the review team.
- March 2007** The Department of Education aggregates and conducts a preliminary analysis of the comments entered on the Web page.
- June - July 2007** The Standards of Learning review team meets for two days to:
- analyze statewide Web page input;
 - review national documents and reports as necessary; and
 - make recommendations for potential changes.
- July 2007** The Department of Education prepares the review team’s comments in a draft.
- August 2007** The Department of Education and the steering committee (a subgroup of the review team) meet to discuss and review the draft *Health Education, Physical Education and Driver Education Standards of Learning* for first review by the Board of Education.
- September 2007** The Department of Education presents the draft document to the Board of Education for first review.
- October 2007** The proposed *Standards of Learning* document is distributed for public comment. The document is placed on the Virginia Department of Education Web site for review.
- November - December 2007** Public hearings are held as prescribed by the Board of Education.
- February 2008** The Superintendent of Public Instruction presents the proposed *Health Education, Physical Education and Driver Education Standards of Learning* to the Board of Education for final review and adoption. The final document is posted on the Department of Education Web site within three weeks of adoption.
- May 2008** Printed copies of the approved *Health Education, Physical Education and Driver Education Standards of Learning* are distributed to K-12 schools and local school division central offices.

Board of Education Agenda Item

Item: _____ H. _____

Date: _____ January 10, 2007 _____

Topic: First Review of Timeline for the Review of *History and Social Science Standards of Learning*

Presenter: Dr. Linda Wallinger, Assistant Superintendent for Instruction

Telephone Number: 804-225-2034 **E-Mail Address:** Linda.Wallinger@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting Action requested at future meeting: _____ (date)

Previous Review/Action:

No previous board review/action

Previous review/action
date _____
action _____

Background Information:

The Board of Education adopted a schedule for review and revisions to the *Standards of Learning* at its September 28, 2000 meeting. Accordingly, the *History and Social Science Standards of Learning* are scheduled for review in 2007-2008.

Code of Virginia § 22.1-253.13:1-2 By October 1, 2000, the Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the board from conducting such review and revision on a more frequent basis.

Summary of Major Elements:

Using an established review process and criteria, the Department of Education plans a review of the current *History and Social Science Standards of Learning*. A proposed timeline is attached.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and grant approval for the Department of Education to proceed with the revision process for the *History and Social Science Standards of Learning*.

Impact on Resources:

The Department of Education administers the state standards review process. The agency's existing resources can absorb this responsibility at this time.

Timetable for Further Review/Action:

Upon approval, the Department of Education will provide information to all interested parties according to the timeline described in Attachment A.

**PROPOSED SCHEDULE FOR THE REVIEW OF
THE HISTORY AND SOCIAL SCIENCE STANDARDS OF LEARNING**

- January 2007** A Superintendent’s Memorandum is distributed that:
- announces the schedule of the review process;
 - announces the availability of a *Standards of Learning* review/comment page on the Department of Education Web site;
 - requests that division superintendents share information about the Web site with instructional staff; and
 - requests that division superintendents submit nominations for review team members.
- The Department of Education posts on its Web site a *Standards of Learning* review/comment page for the 2001 *History and Social Science Standards of Learning*. The page will be active for 30 days.
- February - March 2007** The Department of Education seeks nominations for other stakeholders and identifies members of the review team.
- April 2007** The Department of Education aggregates and conducts a preliminary analysis of the comments entered on the Web page.
- June - July 2007** The Standards of Learning review team meets for two days to:
- analyze statewide Web page input;
 - review national documents and reports as necessary; and
 - make recommendations for potential changes.
- August 2007** The Department of Education prepares the review team’s comments in a draft.
- September 2007** The Department of Education and the steering committee (a subgroup of the review team) meet to discuss and review the draft *History and Social Science Standards of Learning* for first review by the Board of Education.
- October 2007** The Department of Education presents the draft document to the Board of Education for first review.
- November 2007** The proposed *Standards of Learning* document is distributed for public comment. The document is placed on the Virginia Department of Education Web site for review.
- November - December 2007** Public hearings are held as prescribed by the Board of Education.
- February 2008** The Superintendent of Public Instruction presents the proposed *History and Social Science Standards of Learning* to the Board of Education for final review and adoption. The final document is posted on the Department of Education Web site within three weeks of adoption.

May 2008 Printed copies of the approved *History and Social Science Standards of Learning* are distributed to K-12 schools and local school division central offices.

**PROPOSED SCHEDULE FOR THE REVIEW OF
THE HISTORY AND SOCIAL SCIENCE CURRICULUM FRAMEWORK**

February 2008 The Department of Education identifies a review team to assist with the review of the Curriculum Framework. The Curriculum Framework defines the content knowledge, skills, and understandings that are measured by the *Standards of Learning* tests.

March 2008 The Department and review team members meet to review the Curriculum Framework and make any edits required for re-alignment with the revised *Standards of Learning*.

April 2008 The Department of Education presents the draft Curriculum Framework to the Board for first review.

May 2008 Public hearings on the proposed Curriculum Framework are held as prescribed by the *Code of Virginia*.

July 2008 The Superintendent of Public Instruction presents the proposed Curriculum Framework to the Board of Education for final review and adoption. The final document is posted on the Department of Education's Web site.

Board of Education Agenda Item

Item: I.

Date: January 10, 2007

Topic: First Review of Recommended Cut Scores for the SAT I Writing Test When Used as a Substitute Test for the Standards of Learning End-of-Course English: Writing Test

Presenter: Mrs. Shelley Loving-Ryder, Assistant Superintendent for Assessment and Reporting

Telephone Number: 804-225-2102 E-Mail Address: Shelley.Loving-Ryder@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting Action requested at future meeting: _____ (date)

Previous Review/Action:

No previous board review/action
 Previous review/action
date _____
action _____

Background Information:

The *Regulations Establishing Standards for Accrediting Public Schools* allow the Virginia Board of Education to approve substitute assessments for the Standards of Learning (SOL) end-of-course tests. Chesterfield County has nominated the SAT I Writing test as a substitute for the SOL English Writing Test. In compliance with procedures established by the Virginia Board of Education for the approval of substitute tests, staff in the Division of Instruction at the Virginia Department of Education reviewed the SAT I Writing test and determined that the content assessed met or exceeded that measured by the SOL end-of-course English: Writing test. Following this review staff in the Division of Assessment and Reporting reviewed the technical quality of the assessment, and in December 2006 a committee of Virginia educators was convened to recommend scores on the SAT I Writing test that would be equivalent to scores of pass/proficient and pass/advanced on the end-of-course English: Writing test.

Summary of Major Elements

Information about the range of cut scores recommended by the committees for the SAT I Writing test will be presented to the Board. The Board is asked to review this information and to adopt cut scores for the SAT I Writing test when used as a substitute for the end-of-course English: Writing test.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board waive first review and adopt cut scores for SAT I Writing test when used as a substitute for the end-of-course English: Writing test.

Impact on Resources:

N/A

Timetable for Further Review/Action:

N/A

Board of Education Agenda Item

Item: _____ J. _____

Date: January 10, 2007

Topic: First Review of a Request to Authorize the Department of Education to Conduct Studies to Determine Factors Contributing to Success in Postsecondary Education

Presenter: Mrs. Shelley Loving-Ryder, Assistant Superintendent for Assessment and Reporting
Dr. Linda Wallinger, Assistant Superintendent for Instruction
Dr. Deborah Jonas, Regional Educational Laboratory, The CNA Corporation

Telephone Number: 804-225-2102 **E-Mail Address:** Shelley.Loving-Ryder@doe.virginia.gov
804-225-2034 Linda.Wallinger@doe.virginia.gov
804-225-2067 Deborah.Jonas@doe.virginia.gov

Origin:

Topic presented for information only (no board action required)

Board review required by

State or federal law or regulation

Board of Education regulation

Other: Previous Board Resolution _____

Action requested at this meeting

Action requested at future meeting:

Previous Review/Action:

No previous board review/action

Previous review/action

date:

action:

Background Information:

There is increasing national and state focus on high school students' readiness for postsecondary education. For example, one of the recommended indicators for the National Governors Association honors high school program, of which Virginia is a member, is increasing the percentage of students taking a state assessment or college placement test and earning scores indicating they have met or exceeded a college-readiness level. Further, the Virginia Board of Education emphasis on moving Virginia's students from competence to excellence supports a focus on college readiness. A part of the current discussion on college readiness is a national dialogue about the definition of success in postsecondary education and the factors that comprise

readiness for success with college level work.

Summary of Major Elements:

The Board of Education is asked to authorize the Virginia Department of Education staff to work with institutions of higher education, and local school divisions, researchers, and psychometricians, as well as to conduct studies to identify key indicators of college readiness that may be used to develop measures that identify students as likely prepared for postsecondary work studies. More specifically the proposed studies will address:

1. Systemic policies and practices that affect student achievement in their first year of college; and
2. Key indicators of college readiness, such as Standards of Learning (SOL) assessment scale scores, grade point average, and courses taken, that are associated with college readiness.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and authorize the Department of Education to conduct studies identifying factors related to success in postsecondary education.

Impact on Resources:

The funds needed to conduct the initial studies may be absorbed by existing resources.

Timetable for Further Review/Action:

The Department of Education will make periodic reports to the Board on work being done in this area.

Results of the survey for the 117 divisions that responded include the following:

- Program requirements for Family Life Education vary among school divisions.
- Eighty-two percent offer abstinence-based programs. Abstinence is stressed, but information on birth control to prevent the spread of Sexually Transmitted Diseases (STDs) is also included.
- Fourteen percent offer abstinence only programs. When discussing pregnancy and sexually transmitted diseases, abstinence is the only prevention information discussed.
- Ninety-three percent of the reporting school divisions use the Virginia Board of Education *Guidelines for Family Life Education*.
- At the elementary level, Family Life Education is taught primarily by classroom teachers (66 percent). At the middle school and high school levels, the primary responsibility is with the health and physical education teachers (71 percent).
- Two thousand one hundred and thirty-seven teachers have been trained to teach Family Life Education.
- Of the school divisions reporting, a total of 7,574 students opted out of Family Life Education. This number represents less than five percent of all students enrolled in the divisions that reported.
- Eighty-seven percent of the school divisions that reported include parents on committees that discuss Family Life Education. Of those divisions reporting, 92 percent include health professionals, business men and women, or nonprofit agency representatives.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the report on Family Life Education Survey for transmittal to the General Assembly in response to SJR 171.

Impact on Resources:

There is no additional impact on resources at this time.

Timetable for Further Review/Action:

Upon approval by the Board of Education, the final report of the Family Life Education Survey will be transmitted to the General Assembly on the first date of the new session, January 10, 2007. The Department of Education will inform school divisions of its availability through the Virginia Department of Education Web site.



VIRGINIA BOARD OF EDUCATION

REPORT

**Report on Survey of Family Life Education
Programs Requested in the 2006 Session of the
General Assembly
Senate Joint Resolution (SJR) NO. 171**

PREPARED FOR

THE

GENERAL ASSEMBLY

January 10, 2007

Executive Summary

The 2006 General Assembly, through Senate Joint Resolution (SJR) No. 171, requested the Virginia Board of Education (BOE) to survey Family Life Education programs in our public school divisions. SJR 171 requested information on all aspects of the program including:

- Whether the local school division offers Family Life Education instruction
- The qualifications of Family Life Education teachers and teacher training
- The number and percentage of children who opt out each year
- Parental and community involvement in the program

To meet the requirement of SJR 171, a survey was sent to each school division in the state, requesting information specified in SJR 171 for the 2006-2007 school year. Responding to the survey was voluntary.

Summary of Survey Responses

Of the 132 school divisions serving students in the state, 117 divisions, or 89 percent, responded to the survey.

A summary of the survey results for the 117 responding school divisions follows.

- Program requirements for Family Life Education vary among school divisions.
- Eighty-two percent offer abstinence-based programs. Abstinence is stressed, but information on birth control to prevent the spread of Sexually Transmitted Diseases (STDs) is also included.
- Fourteen percent offer abstinence only programs. When discussing pregnancy and sexually transmitted disease, abstinence is the only prevention information discussed.
- Ninety-three percent of the school divisions use the Virginia Board of Education *Guidelines for Family Life Education*.
- Sixty-six percent of the divisions reported Family Life Education is taught primarily by classroom teachers at the elementary level. At the middle school and high school levels, 71 percent of the divisions reported the primary responsibility is with the health and physical education teachers.
- Two thousand one hundred thirty seven teachers have been trained to teach Family Life Education.

- Of the school divisions reporting, a total of 7,574 students opted out of Family Life Education. This number represents less than five percent of all students enrolled in the divisions that reported.
- Eighty-seven percent of the school divisions include parents on their committees that discuss Family Life Education. Of those divisions reporting, 92 percent include health professionals, business men and women, or nonprofit agency representatives.

The survey responses will be used by the Virginia Department of Education to assess policy and program implementation, resource allocation, and technical assistance. The actual responses to the survey questions are provided in this report using the survey format.

Family Life Education Survey Results Report

Of the 132 school divisions serving students in the state, 117 divisions, or 89 percent, responded to the survey.

1. Does your school division offer a Family Life Education Program?

| | No. Divisions | Percent Divisions |
|-----|----------------------|--------------------------|
| Yes | 102 | 97 |
| No | 3 | 3 |

2. Which grades are included in your Family Life Education Program? (Check all that apply.)

| Grade | No. Divisions | Percent Divisions | Grade | No. Divisions | Percent Divisions |
|--------------|----------------------|--------------------------|--------------|----------------------|--------------------------|
| K | 78 | 67 | 6 | 103 | 89 |
| 1 | 79 | 68 | 7 | 104 | 90 |
| 2 | 79 | 68 | 8 | 100 | 86 |
| 3 | 84 | 72 | 9 | 100 | 86 |
| 4 | 93 | 80 | 10 | 95 | 82 |
| 5 | 100 | 86 | 11 | 36 | 31 |
| | | | 12 | 35 | 30 |

Grades five through ten are the levels that school divisions have the highest concentrations of Family Life Education classes.

3. Does your district use a locally developed curriculum?

| | No. Divisions | Percent Divisions |
|-----|----------------------|--------------------------|
| Yes | 85 | 73 |
| No | 22 | 19 |

Of the school divisions reporting, 73 percent use the Virginia Board of Education guidelines to develop local curriculum.

4. Which of the following best describes the educational philosophy of your curriculum?

| | No. Divisions | Percent Divisions |
|---|----------------------|--------------------------|
| Abstinence only: When discussing pregnancy and sexually transmitted disease, abstinence is the only prevention information discussed. | 16 | 14 |
| Abstinence based: Abstinence is stressed, but information on birth control and condom usage to prevent the spread of | 95 | 82 |

| | No. Divisions | Percent Divisions |
|--------------------------|---------------|-------------------|
| STDs is also included. | | |
| Other: (Please describe) | 3 | 3 |

5. If your division does not use a locally developed curriculum, please indicate the curriculum that is used and the grade level. (E, M, HS)

NOTE: The specific curricula listed below were submitted in responses from school divisions in the Department of Education 2004 Family Life Education Survey.

| Curriculum | No. Div. (Percent) | Curriculum | No. Div. (Percent) |
|-----------------------------|--------------------|--|--------------------|
| Baby Think it Over | 14 (12) | Life's Skills | 21 (18) |
| Al's Pals | 11 (9) | CSHE: Totally Awesome Strategies for Teaching Health | 3 (2) |
| Healthy Me, Healthy You | 4 (3) | Abstinence: Choosing Health | 6 (5) |
| Becoming A Responsible Teen | 3 (2) | Get Real About Violence | 2 (1) |
| Sex Can Wait | 3 (2) | Education about Sexuality | 3 (2) |
| Sex Respect | 0 | Get Real about AIDS | 2 (1) |
| Here's Looking at You | 2(1) | Postponing Sexual Involvement | 2 (1) |
| Focus on Kids | 0 | Teenage Health Teaching Module | 0 |
| Michigan Model for CSHE | 2 (1) | Be Proud! Be Responsible! | 2 (1) |

Other (Please specify)

| No. Divisions | Other curricula |
|---------------|---|
| 6 | Department of Education curriculum from original mandate to have FLE/SOL |
| 1 | Local curriculum used components of DOE |
| 1 | Character Counts |
| 3 | Choosing the Best (Supplement) |
| 1 | Health education curriculum |
| 2 | Worth Your Wait |
| 1 | Project Reality: Game Plan and Navigate |
| 1 | The Great Body, by Children's Health Market |
| 1 | Why Know: AAA Women's Services |
| 1 | Reasons of the Heart |
| 1 | Sex Respect |
| 1 | Too Good for Drugs |
| 1 | Bullying Prevention |
| 1 | Growing Up and Liking It |
| 1 | Rainbow Educational Media: (4 th and 5 th Growing Up Boys; Girls) |
| 1 | Talk 2 Me Series |
| 1 | Glencoe Health Book |
| 1 | Family and Consumer Science textbook |

| No. Divisions | Other curricula |
|---------------|--|
| 2 | Teenage Health Teaching Module |
| 1 | Department of Education Health and Career Education competencies |
| 1 | Just Around the Corner |
| 1 | Meet the New You |
| 1 | Get Real about Violence |
| 1 | Respond in Peaceful and Positive Ways |

NOTE: In addition to the school divisions that responded that they do not use locally developed curriculum, many divisions that have their own curriculum also supplement it with the materials listed above.

6. Are your FLE teachers using the Virginia Board of Education Family Life Education Guidelines?

| | No. Divisions | Percent Divisions |
|-----|---------------|-------------------|
| Yes | 108 | 92 |
| No | 6 | 5 |

7. If the answer to Number 6 is “YES”, please indicate how the BOE Guidelines are being used.

Of the school divisions that responded, BOE guidelines are used to define the local objectives for FLE; as lesson plan formats; and to ensure the materials are being presented appropriately. Most school divisions also use the Guidelines when discussing the opt-out procedures with parents.

8. When were your FLE curriculum and/or materials last reviewed and/or revised?

| Last Review | No. Div. (Percent) | Last Review | No. Div. (Percent) | Last Review | No. Div. (Percent) |
|--|--------------------|--------------------------|--------------------|------------------|--------------------|
| NEVER | 1 (<1) | 5 or more years ago | 31 (26) | 2 to 4 years ago | 29 (25) |
| Last school year | 37 (26) | This current school year | 12 (12) | In the process | 18 (15) |
| Other responses: Materials are updated every year; K-5 done last year; do one or two grade levels a year | | | | | |

9. Are parents always notified that their children will be starting a Family Life Education unit?

| | No. Divisions | Percent Divisions |
|-----|---------------|-------------------|
| Yes | 103 | 88 |
| No | 10 | 9 |

14. How are your Family Life Education instructors selected?

Most school divisions select their teachers based on subject matter taught, such as health and physical education; some interview for specialist positions, and others are appointed by the principal or central office.

15. Which individuals at each school level have responsibility for teaching your FLE program? Please check all that apply.

| FLE teacher | Elementary No. Div (Percent) | Middle No. Div (Percent) | High No. Div (Percent) |
|---|---|---|---------------------------------------|
| Classroom Teachers | 77 (66) | 13 (11) | 10 (9) |
| Health Teachers | 29 (25) | 76 (65) | 76 (65) |
| Physical Education Teachers | 52 (44) | 82 (71) | 79 (68) |
| Life Skills/Home Ec. Teachers | 0 | 12 (10) | 12 (10) |
| FLE Specialists | 12 (10) | 11 (9) | 12 (10) |
| Science Teachers | 10 (9) | 20 (17) | 22 (19) |
| School Nurses | 48 (41) | 42 (36) | 36 (31) |
| Public Health Nurses | 2 (2) | 7 (6) | 8 (7) |
| Social Workers | 0 | 0 | 1 (<1) |
| Guidance Counselors | 41 (35) | 29 (25) | 9 (8) |
| Other (Please specify) Retired principal; outside agencies; pregnancy center; doctors; police department; DARE officers; Boys' and Girls' Club; School Resource Officers; Health Occupations teacher; Victim/Witness Agency; school psychologist; Social Services; principal. | | | |

This survey question was answered more specifically by the reporting school divisions regarding the person who actually teaches Family Life Education.

16. Which one of the positions indicated in question 14 has primary responsibility for teaching Family Life Education?

| Responsible position | Elementary No. Div. (Percent) | Middle No. Div. (Percent) | High No. Div. (Percent) |
|--|--|--------------------------------------|------------------------------------|
| Classroom teachers | 53 (45) | 3 (3) | 0 |
| Nurses | 16 (14) | 13 (11) | 9 (8) |
| Health and Physical Education teachers | 17 (15) | 77 (66) | 82 (70) |
| Science teachers | 1 (<1) | 2 (2) | 2 (2) |
| FLE specialist | 9 (8) | 10 (9) | 10 (9) |
| Guidance counselor | 12 (10) | 5 (4) | 1 (<1) |
| Family and Consumer Science | 2 (2) | 2 (2) | 2 (2) |
| Social studies teacher | 0 | 0 | 1 (<1) |

17. Does your division require teacher training for all Family Life Education instructors?

| | No. Divisions | Percent Divisions |
|-----|----------------------|--------------------------|
| Yes | 42 | 36 |
| No | 26 | 22 |

School divisions that responded “NO” indicated that, even though training is not required, many of the Family Life Education instructors attend training voluntarily.

18. Indicate the number of FLE teachers who received the following type of FLE training within the last year.

| FLE Training | # of Elem. teachers | # of MS teachers | # of HS teachers |
|-------------------------------|----------------------------|-------------------------|-------------------------|
| Locally sponsored | 743 | 309 | 399 |
| VDOE sponsored | 110.5 | 204.5 | 213 |
| Virginia Department of Health | 20 | 62 | 76 |

Other (Please specify.) (1) All new and reassigned teachers whose grade requires the program are trained; (2) Train the trainer; (3) FLE specialist: state required training in August for one county; (3) All teachers in one county receive training through Virginia Department of Health; (4) Curriculum and guidance materials provided with textbooks and programs purchased; (5) Local Health Department

19. What group in your school division provides advisory guidance for the FLE program? (Please check all that apply.)

| Advisory group | No. Divisions | Percent Divisions |
|------------------------------|----------------------|--------------------------|
| School Health Advisory Board | 75 | 64 |
| FLE Committee | 32 | 27 |
| Community Involvement Team | 18 | 15 |
| FLE Advisory Board | 9 | 8 |

Other (Please specify.)

- Department of Curriculum and Instruction
- Health/Physical Education department, nurses, counselors plan meetings and sessions
- Curriculum Specialists, Superintendent, Assistant Superintendent, and PE teachers
- Safe and Drug-Free, school health, FLE Advisory Group
- Associate Superintendent
- Nurse
- Science Coordinators
- Central Office Staff
- Elementary/Secondary Curriculum Directors, counselors, administrators, teachers
- County Coalition

- Guidance
- Health and Physical Education Advisory Committee and Student Services Advisory Committee
- Health and Physical Education specialist, Director for Curriculum and Instruction, Assistant Superintendent for Instruction, Superintendent, School Board Member
- Parent Focus Groups/ PTA Council/ special Needs Parents Focus Group
- Administration
- School divisions had a variety of committee names and participants. (See question 20.)

20. What is the make-up of your committee or board in question 19? (Please check all that apply.)

| Members | No. Div. (Percent) | Members | No. Div. (Percent) |
|----------------------|---------------------------|-----------------------|---------------------------|
| Teachers | 107 (91) | School Administrators | 107 (91) |
| Parents | 101 (86) | Students | 43 (37) |
| Businessmen/women | 50 (42) | Non-profit agencies | 43 (37) |
| Health professionals | 107 (91) | | |

Other (Please specify.) Examples from various school divisions:

- School Board Member
- County Sheriff
- Intervention Specialist
- Community Health Professionals
- School Nurse
- Social Worker
- Representatives from faith-based organizations
- Social Services
- Mental Health
- School Resource Officers
- Speech Pathologist
- Nutrition Director
- Central Office
- Guidance Counselor
- Public Health Nurse
- Doctor
- Lawyer
- Special Needs Parents

21. What are the functions of the group(s) identified in question 19? Please check all that apply.

| No. Div. (Percent) | Function |
|---------------------------|---|
| 82 (70) | Review audio-visual materials |
| 91 (78) | Review printed curriculum materials |
| 53 (45) | Advise regarding an evaluation of the program |

| No. Div. (Percent) | Function |
|--------------------|---|
| 41 (35) | Recommend administrative procedures |
| 45 (38) | Provide agency and community coordination |
| 38 (32) | Review and advise regarding training for teachers |
| 63 (54) | Provide advice to the local School Board regarding FLE policy |

Other (Please specify.) Examples from various school divisions:

- Advice on community issues
- Developed and revised local curriculum
- Distribute information from Virginia Department of Education
- Be available for review and support at the request of the Superintendent
- Lesson objectives, special lesson materials, advise central offices specialists
- Review and advise regarding materials and curriculum
- Provide community education
- Provide feedback to Health Department

22. Currently, are your FLE objectives taught as a separate unit or integrated into other subjects? If part of the program is taught as a separate unit and part integrated into other subjects please check the line under “Both”.

| School Level | Separate only No. Div. (Percent) | Integrated only No. Div. (Percent) | Both No. Div. (Percent) |
|--------------|-------------------------------------|---------------------------------------|----------------------------|
| Elementary | 29 (25) | 13 (11) | 65 (56) |
| Middle | 38 (32) | 10 (9) | 67 (57) |
| High | 32 (27) | 12 (10) | 68 (58) |

23. If you answered “integrated” or “both” please indicate which subject(s) the integration takes place. (Please check all that apply)

| Subject | No. Div. (Percent) | Subject | No. Div. (Percent) |
|-----------------------|--------------------|--------------------|--------------------|
| Health | 94 (80) | Science | 52 (44) |
| Life Skills/ Home Ec. | 35 (30) | Guidance | 47 (40) |
| DARE | 27 (23) | Physical Education | 65 (56) |

Other (Please specify.) Examples from various school divisions:

- Classroom guidance lessons
- Bullying
- Too Smart to Start
- Dating violence programs
- Social studies
- Psychology class
- Too Good for Drugs
- Special Education classes

24. Please check all grade levels at which gender-separated classes are taught.

| Grade | No. Divisions | Percent Divisions | Grade | No. Divisions | Percent Divisions |
|-------|---------------|-------------------|-------|---------------|-------------------|
| K | 4 | 3 | 6 | 59 | 60 |
| 1 | 4 | 3 | 7 | 56 | 48 |
| 2 | 4 | 3 | 8 | 52 | 44 |
| 3 | 7 | 6 | 9 | 46 | 39 |
| 4 | 43 | 37 | 10 | 38 | 32 |
| 5 | 53 | 45 | 11 | 9 | 8 |
| | | | 12 | 5 | 4 |

25. During the past school year, what is the number and percent of students with disabilities who had specialized FLE instruction included in their individualized educational programs (IEPs)?

Number of students 1,982

Percentage of students Unable to calculate due to lack of data on total disability population.

26. Who has the primary responsibility for teaching FLE to students with disabilities? (Please check all that apply)

| FLE Teacher Position | Elementary No. Div. (Percent) | Middle No. Div. (Percent) | High No. Div. (Percent) |
|--------------------------------|-------------------------------------|---------------------------------|-------------------------------|
| Special education teachers | 41 (35) | 34 (29) | 36 (31) |
| Classroom teachers | 56 (48) | 17 (15) | 14 (12) |
| Health teachers | 26 (22) | 67 (57) | 68 (58) |
| Physical education teachers | 36 (31) | 57 (49) | 56 (49) |
| Life Skills/ Home Ec. Teachers | 2 (2) | 9 (8) | 8 (7) |
| School nurse | 35 (30) | 27 (23) | 21 (18) |
| Public Health nurse | 0 | 2 (2) | 2 (2) |
| Social Worker | 2 (2) | 3 (3) | 2 (2) |
| Guidance Counselor | 25 (21) | 12 (10) | 8 (7) |

Other (Please specify.) Examples from various school divisions:

- Most students are in inclusion classes and receive the same instruction as non-disability students. (Answer given most by school divisions.)
- FLE teachers work with special education teachers to guide instructions for trainable students
- FLE Specialists

27. *Of the following instructional topics, check those at each level that receive the greatest emphasis in your division's FLE program.*

| Instructional topics | Elem. No. Div. (Percent) | MS No. Div. (Percent) | HS No. Div. (Percent) |
|---|---|--------------------------------------|--------------------------------------|
| Abstinence (Value of postponing sexual activity until marriage) | 33 (28) | 99 (85) | 105 (90) |
| Child Abuse | 52 (44) | 53 (45) | 50 (43) |
| Contraception | 5 (4) | 33 (28) | 62 (53) |
| Decision-making | 71 (61) | 94 (80) | 90 (77) |
| Dating/ relationship skills | 8 (8) | 67 (57) | 83 (71) |
| Family living and community relationships | 54 (46) | 58 (50) | 60 (51) |
| Homosexuality | 3 (3) | 16 (14) | 29 (25) |
| Human reproduction | 49 (42) | 76 (65) | 75 (64) |
| Pregnancy and childbirth | 20 (17) | 51 (44) | 74 (63) |
| Parenting skills | 6 (5) | 22 (19) | 51 (60) |
| Respect for others | 87 (74) | 83 (71) | 78 (67) |
| Positive self-concept & respect for others (race, religion, origin) | 80 (68) | 78 (67) | 81 (69) |
| Marriage/lifetime commitment | 15 (13) | 48 (41) | 70 (60) |
| STDs (cause, prevention, and effects) | 17 (15) | 83 (71) | 98 (84) |
| HIV/AIDS | 25 (21) | 80 (68) | 81 (69) |
| Stress management & resistance to peer pressure | 54 (46) | 80 (68) | 76 (65) |
| Pregnancy options (parenting, adoption, abortion) | 5 (4) | 25 (21) | 49 (42) |
| Substance abuse and effects on decision-making | 43 (38) | 75 (64) | 76 (65) |
| Sexual identity and orientation | 11 (9) | 22 (19) | 27 (23) |
| Positive friendships | 71 (61) | 71 (61) | 67 (57) |
| Physical & social changes associated with puberty & adolescence | 77 (66) | 89 (76) | 53 (45) |
| Reproductive anatomy | 54 (46) | 76 (65) | 63 (54) |
| Sexual abuse, rape, and sexual assault (Including date rape) | 9 (8) | 53 (45) | 77 (66) |
| Gender roles | 18 (15) | 34 (29) | 35 (30) |
| Violence prevention | 42 (36) | 60 (51) | 66 (56) |

Other (Please specify.) Examples from various school divisions:

- Refusal skills
- Puberty and hygiene
- Good personal health habits
- Communicable and non-communicable diseases
- Hazardous substances

- Media messages
- Health-care agencies and resources
- Bullying
- Stranger Danger
- Animal Babies Reproduction
- Conflict resolution
- Self-examination (breast and testicular cancer/ separate classes for males and females)
- Club drugs

28. *What division-wide strategies were employed in the school year 2005-2006 to involve parents in the FLE instruction of their children?*

| No. Div. (Percent) | Division-wide Strategies |
|--------------------|--|
| 64 (55) | Send FLE lesson materials home for parents and children to discuss |
| 61 (52) | Include FLE topics at School Health Advisory Board Meetings or other advisory committees |
| 30 (26) | Encourage parents to come in to the classroom during FLE lessons |
| 21 (18) | Address FLE at PTA/PTO/PTSA meetings |
| 29 (25) | Provide FLE information through your Parent Resource Center |
| 12 (10) | Present FLE information to Special Education Local Advisory Committee |
| 23 (20) | Present FLE information to Local School Board |

Other (Please specify.) Examples from various school divisions:

- Parent preview evening
- Send newsletter/ brochure to all families
- Surveys
- Student/Parent handbook
- Standards of Student Conduct
- Annual open houses for parents (all community)
- 4th and 5th grade lesson plans are at each elementary school for parent review
- Middle and high school lesson plans are available upon request
- A book containing course materials to be taught is kept in the school office or clinic
- Materials are available in each school building
- Notify when unit is taught
- Information given at back-to-school night
- Week-long parent previews at open houses

29. Which of the following topics are included in the school division's HIV/AIDS policy?
(Please check all that apply)

| No. Div. (Percent) | Topic |
|--------------------|---|
| 110 (94) | Confidentiality |
| 106 (91) | Blood borne pathogens/ universal (standard) precautions |
| 83 (71) | Teacher/ staff exposure |
| 69 (59) | Parents' rights |
| 71 (61) | Student compliance with immunization schedule |
| 59 (50) | Student instruction on the modes of transmission |
| 31 (26) | Sports teams and athletes |

30. Is there a division-wide attendance policy for children who are infected with HIV/AIDS?
(Please attach a copy of your division's policy when you return the survey)

| | No. Divisions | Percent Divisions |
|-----|---------------|-------------------|
| Yes | 101 | 86 |
| No | 11 | 9 |

31. Does the HIV/AIDS attendance policy of children who are infected with HIV match the components of the model policy of the Virginia Board of Health and the Commonwealth of Virginia Board of Education model guidelines?

| | No. Divisions | Percent Divisions |
|-----|---------------|-------------------|
| Yes | 101 | 86 |
| No | 2 | 2 |

32. When was the local HIV/AIDS attendance policy last reviewed and/or revised?

| Policy Reviewed | No. Divisions | Percent Divisions |
|--------------------------|---------------|-------------------|
| Never | 4 | 3 |
| 5 or more years ago | 17 | 15 |
| 2 to 4 years ago | 34 | 29 |
| Last school year | 46 | 39 |
| This current school year | 3 | 3 |
| In the process | 6 | 5 |

Appendix A

Senate Joint Resolution No. 171

SENATE JOINT RESOLUTION NO. 171

Requesting the Virginia Board of Education to survey Family Life Education Programs in public schools. Report.

Agreed to by the Senate, February 14, 2006

Agreed to by the House of Delegates, March 6, 2006

WHEREAS, after a comprehensive two-year legislative study, the Joint Subcommittee Studying Teenage Pregnancy Prevention in the Commonwealth recommended legislation to require every school division to implement a comprehensive, sequential Family Life Education program; and

WHEREAS, the General Assembly of Virginia in 1987 enacted the legislative subcommittee's proposed legislation directing the Board of Education to develop standards of learning and curriculum guidelines for a comprehensive, sequential Family Life Education curriculum in grades kindergarten through 12; and

WHEREAS, public hearings and meetings were held around the state, and the Department of Education convened a Committee for Family Life Education composed of child development specialists, administrators, and representatives of the Parent-Teacher Association to assist in the development of the Standards of Learning objectives for Family Life Education; and

WHEREAS, in 1988, the Virginia Board of Education adopted regulations governing the Family Life Education program, including implementation guidelines requiring broad-based community involvement; and

WHEREAS, the regulations provided local school divisions the option of using the state program or using a locally developed program, provided the program includes the core of specified areas required in the curriculum; and

WHEREAS, school divisions throughout Virginia implemented the Family Life Education programs with the assistance of Community Involvement Teams composed of parents, educators, and community leaders; and

WHEREAS, by the [1989-90](#) school year, approximately 38 percent of local school divisions implemented the state-developed program while approximately 62 percent adopted a locally developed program; and

WHEREAS, a 1993 study by the Department of Education of Family Life Education found that abstinence was being taught as a primary element in the program and that only 1.7 percent of students opted out of all or a part of the Family Life Education program; and

WHEREAS, state guidelines for Family Life Education programs include 11 content areas, including health education and promotion, drug abuse prevention, and sexuality education; and

WHEREAS, in 1997, the Virginia Board of Education reversed its previous decision and made Family Life Education programs in Virginia's public schools an option for local school divisions; and

WHEREAS, the 1998 General Assembly session passed legislation to return Family Life Education to its previous required status, but that legislation was vetoed, and the veto was sustained; and

WHEREAS, research studies have identified that Family Life Education programs have proven to be effective in addressing the health needs of young people; and

WHEREAS, surveys show overwhelming support from Virginia citizens for Family Life Education programs in our public schools; and

WHEREAS, the Department of Education conducted a survey of family life education programs in local school divisions early in 2004; and

WHEREAS, only 75 of the 132 school divisions statewide responded to the survey; and

WHEREAS, there are school divisions in Virginia that have chosen not to have Family Life Education programs, but there is no documentation of those school divisions; and

WHEREAS, Family Life Education helps to prepare young men and women for healthy and productive lives in their families and their communities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Board of Education be requested to survey Family Life Education programs in the public schools.

The survey of Family Life Education programs by the Board of Education shall include all aspects of the program, including but not limited to whether the local school division offers Family Life Education instruction, the curricula used by all school divisions, the content of instruction, the qualifications of Family Life Education teachers and teacher training, the number and percentage of children who opt out each year, and parental and community involvement in the program.

The Board of Education shall submit to the Division of Legislative Automated Systems an executive summary and a report of its progress in meeting the requests of this resolution no later than the first day of the 2007 Regular Session of the General Assembly. The executive summary and report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Appendix B

Family Life Education Survey Instructions and Superintendents' Memo

**Commonwealth of Virginia
Department of Education
Family Life Education Survey
School Year 2006-2007**

Purpose of Survey

The purpose of this survey is to request data regarding implementation of Family Life Education Programs in the public schools of Virginia as requested in the 2006 session of the General Assembly by Senate Joint Resolution (SJR) NO. 171.

SJR 171 requests the Virginia Board of Education to survey Family Life Education Programs in our public schools and to include all aspects of the program, including: whether the local school division offers Family Life Education instruction; the curricula used by school divisions; the content of instruction; the qualifications of Family Life Education teachers and teacher training; the number and percentage of children who opt out each year; and parental and community involvement in the program.

Each school division is requested to complete one survey. High response rates will help the Virginia Department of Education to assess policy and program implementation, resource allocation, and technical assistance.

Directions for completing the survey

- Only one survey per school division should be submitted.
- Please forward to the person most familiar with the division's Family Life Education program.
- Results of the survey will only be reported in the aggregate and will not be associated with specific school divisions. Division names and ID numbers are requested in order to facilitate follow-up with non-responding divisions.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VIRGINIA 23218-2120

SUPTS. MEMO NO. 213
October 6, 2006

INFORMATIONAL

TO: Division Superintendents

FROM: Billy K. Cannaday, Jr.
Superintendent of Public Instruction

SUBJECT: 2006 Family Life Education Survey

The purpose of this memo is to provide information regarding the 2006 Family Life Education (FLE) Survey as requested in the 2006 session of the General Assembly by Senate Joint Resolution (SJR) NO. 171. SJR 171 requests the Virginia Board of Education to survey Family Life Education Programs in our public schools, including: whether the local school division offers Family Life Education instruction; the curricula used by school divisions; the content of instruction; the qualifications of Family Life Education teachers and teacher training; the number and percentage of children who opt out each year; and parental and community involvement in the program. By collecting information on the status of FLE, the Department of Education will be better equipped to provide focused technical assistance to school divisions. The results of the study must be reported to the 2007 General Assembly session.

The FLE survey will be mailed to you within the next few weeks. A copy is attached. Please ask the person in the division most closely involved in the Family Life Education program to complete the survey and submit it to Ann F. Harman at the address listed on the survey form by October 27, 2006.

If you have questions about the survey, please contact Caroline Fuller, comprehensive health specialist, at caroline.fuller@doe.virginia.gov, or Cynthia Cave, director of student services, at cynthia.cave@doe.virginia.gov.

Thank you for your assistance.

BKCJr/cf

PUBLIC HEARING:

Proposed Regulations Governing Secondary School Transcripts 8VAC 20-160-10 et seq.

The proposed regulations were reviewed in draft form at the February 2005 meeting of the Board of Education. The proposed regulations underwent a lengthy executive review process and were published in the *Virginia Register* on December 11, 2006. The publication date initiated the official 60-day comment period.

As a part of the requirements of the Administrative Process Act, the Board of Education will hold the public hearing on the proposed regulations on January 10, 2007. Following the public comment period, all comments will be summarized and submitted to the Board of Education for review prior to the final adoption of the regulations.

Background on the Proposed Regulations:

The last revisions to the *Regulations Governing Secondary School Transcripts* were made by the Board of Education in 2001. The *Regulations Governing Secondary School Transcripts* are composed of the following sections: Definitions, Effective date, Format options, Profile data sheet, Advanced-level courses, and Elements for weighting. Changes in federal and state law have necessitated changes in other Board of Education regulations that relate to these regulations governing secondary school transcripts.

The *Regulations Governing Secondary School Transcripts* must be revised to maintain clarity and consistency with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and applicable sections of the Code of Virginia.

A summary of proposed changes to the secondary school transcript regulations includes:

1. Changes to the definitions section to provide clarity and to ensure that terms are defined in the same manner as other Board of Education regulations.
2. Revision of the effective date of the regulations.
3. Revision(s) and additions to the information required on the transcript.
4. Revision(s) to the required information on the profile data sheet.
5. Revision of sections concerning the weighting of advanced-level courses to ensure that they comport with other state requirements.

Additional information and the text of the proposed regulations are attached.

Guidelines for speakers attending the public hearing:

Speakers will be recognized in the order in which they registered on the sign-up sheet. Each speaker is limited to three minutes.



Proposed Regulation Agency Background Document

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| Agency name | Board (Department) of Education |
| Virginia Administrative Code (VAC) citation | 8 VAC 20-160 |
| Regulation title | Regulations Governing Secondary School Transcripts |
| Action title | Revision of information requirements for secondary school transcripts and profile data sheets. |
| Date this document prepared | |
| | |

Brief summary

The Regulations Governing Secondary School Transcripts provide definitions, format options for transcripts and profile data sheets, and the elements for weighting courses. One section of the regulations states that the regulations became effective beginning in the 1988-89 school year. The purpose of these proposed revisions is to remove the 1988-89 effective date provision, revise the definitions as necessary to comport with those in other Board of Education regulations, and revise the format options for the transcript and profile data sheets to reflect both Board of Education regulations and state law. The sections concerning class ranking, AP courses and the elements of weighting have been revised to ensure that they comport with best instructional practices, as well as other state requirements.

Legal basis

Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

Purpose

This action is essential to protect the welfare of the commonwealth's school-age population. The goals of the proposed revisions are to strengthen the transcript regulations and to bring the regulations into conformity with amended or new state and federal laws as well as the needs of higher education. The revised regulations contain provisions for documenting diploma types and career and technical certifications, advanced-level programs, weighting of courses, and options in reporting class rank. The revisions also provide a basis on which the future goal of a digital data exchange format for electronic transcript transmission can be developed.

Substance

The following changes proposed to the secondary school transcript regulations are:

1. Changes to the definitions section to ensure that terms are defined in the same manner as other Board of Education regulations.
2. Changes to the effective date section of the regulations.
3. Revisions to the requirements to ensure that school divisions include type of diploma and career and technical industry certification on the student's secondary school transcript.
4. Revisions to the requirements to ensure that the different types of diplomas are reflected, but that the inclusion of the information does not violate the Family Educational Rights and Privacy Act.
5. Changes to the requirement regarding a student's rank in class to reflect whether the school or program chooses to rank students.
6. Changes to the sections concerning advanced-level courses and the elements of weighting courses to ensure that they comport with other state requirements.
7. Changes from a local student identification number to a state student testing identifier so that data can be collected and analyzed on students from grades PK-16.

Issues

The proposed revisions are advantageous to the public, the agency, higher education institutions and the Commonwealth at large. There are no disadvantages.

The changes are necessary to align the transcript requirements with the needs of the education system in documenting student performance. The proposed regulatory action includes revisions that better define the requirements of the secondary school transcript with the needs of students, school divisions, and institutions of higher education. In addition, the revisions will allow for the future development of the secondary school transcripts in a digital data exchange format for electronic transcript transmission.

Requirements more restrictive than federal

There are no applicable federal requirements.

Localities particularly affected

There will be no locality particularly affected by the proposed regulation.

Public participation

There will be no impact on small businesses.

Anyone wishing to submit written comments may do so by e-mail to transcriptregs@doe.virginia.gov or mail to the Office of Middle and High School Instruction, Faye Rollings-Carter, P.O. Box 2120 Richmond, VA 23218-2120. Comments may also be faxed to 804-786-5466. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall Web site (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

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| Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures | There is minimal cost to the state to implement and enforce the proposed regulations. Existing budgets should be sufficient to fund the state's responsibilities. |
| Projected cost of the regulation on localities | It is anticipated that additional costs would be minimal. |
| Description of the individuals, businesses or other entities likely to be affected by the regulation | Public middle and secondary schools, local school boards and local school officials, institutions of higher education will be affected by the regulations. |
| Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | Middle and high schools in 132 school divisions. |

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| <p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p> | <p>It is not possible to estimate the cost of the regulation due to the varying nature of Virginia's 132 school divisions. However, the cost should be minimal since the proposed regulations do not impose major changes in requirements from previous regulations and the Department of Education offers a template for the transcript for school divisions to use if they choose.</p> |
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Alternatives

There are no viable alternatives to updating secondary school transcripts.

Regulatory flexibility analysis

A focus group was convened to examine the regulations and make recommendations. The proposed regulations are found to be more comprehensive and are updated to reflect current practices. The recommendations of the focus group were considered during the review process and were incorporated when possible.

Public comment

No comments were received during the NOIRA period.

Family impact

The change in transcript regulations will have no impact on the institution of the family and family stability.

Detail of changes

For changes to existing regulations, use this chart:

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---------------------|---|
| 8 VAC 20-160-10 | | | "Advanced-level courses/programs" means those academic, career/technical, fine and performing arts, or interdisciplinary high school courses/programs that enable students to acquire and master advanced |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|---|
| | | | <p>knowledge. Such courses may be suitable for weighted credit in order to encourage students to take these courses and to be rewarded for the extra endeavor and academic performance these courses/programs require.</p> <p>Rationale: Clarifies language to comport with best practices.</p> |
| 8 VAC 20-160-10 | | <p>“Advanced course” means a course that presents material and concepts beyond the introductory or the elementary; a course that carries on from an introductory or elementary course given in the same school.</p> | <p>Delete that statement.</p> <p>Rationale: Updates language with other definitions.</p> |
| 8 VAC 20-160-10 | | <p>“Advanced placement (AP) course” means a course with a syllabus equivalent to the relevant advanced placement syllabus disseminated by the Educational Testing Service.</p> | <p>“Advanced Placement (AP) means an advanced-level course with a syllabus equivalent to the relevant Advanced Placement syllabus disseminated by The College Board.</p> <p>Rationale: Clarifies language consistent with predominant practices.</p> |
| 8 VAC 20-160-10 | | | <p>“Certificate of Program Completion award date” means the date when a certificate of program completion is awarded. A Certificate of Program Completion is not to be included as a diploma option.</p> <p>Rationale: Clarifies language to comport with best practices.</p> |
| 8 VAC 20-160-10 | | | <p>“Commonwealth College Course Collaborative (CCCC)” means a set of approved courses taken in high school that fully transfer as core requirements and degree credits at Virginia colleges and universities.</p> <p>Rationale: Clarifies language to comport with best practices.</p> |
| 8 VAC 20-160-10 | | | <p>“Credit Summary” means the number of courses successfully completed in each discipline as required for graduation.</p> <p>Rationale: Clarifies language to comport with best practices.</p> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
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| 8 VAC 20-160-10 | | | <p>“Dual enrollment course” means a course that carries both high school and college credit.</p> <p>Rationale: Clarifies language to comport with best practices.</p> |
| 8 VAC 20-160-10 | | <p>“Grade point average” means a measure of average scholastic success in all school subjects taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade points by number of courses taken.</p> | <p>“Grade point average” means a measure of average scholastic success in all high-school-credit-bearing courses taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade points by number of courses taken.</p> <p>Rationale: Clarifies language to be consistent with predominant practices.</p> |
| 8 VAC 20-160-10 | | | <p>“Graduation Date” means the date when diploma requirements have been met and a diploma is awarded.</p> <p>Rationale: Clarifies language.</p> |
| 8 VAC 20-160-10 | | | <p>“Industry certification credential” means a career and technical education credential that is earned by successfully completing a Board of Education approved industry certification examination, a state issued professional license, or an occupational competency examination.</p> <p>Rationale: Updates language to align with current practices.</p> |
| 8 VAC 20-160-10 | | | <p>“International Baccalaureate (IB) course” means an advanced-level course with a syllabus approved by the International Baccalaureate Organization (IBO) and meeting the criteria offered through the IBO program.</p> <p>Rationale: Clarifies language that comports with best practices.</p> |
| 8 VAC 20-160-10 | | <p>“Honors course” means a course at the high school level, that limits enrollment to exceptionally capable students; provides for independent or tutorial work, places the</p> | <p>“Honors courses” means a course offered to academically advanced students to provide opportunities to study and learn with other advanced students and to accelerate their learning in a specific content area. These courses are designed to be more challenging by covering additional topics</p> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|-------------------------------|---|---|---|
| | | responsibility for student progress more on the student than on the teachers, emphasizes reading and self-instruction. | or some topics in greater depth. Rationale: Updates language to align with current practices. |
| 8 VAC 20-160-10 | | “Secondary school profile data” means information given in a summary format of a particular secondary school, such as location, description, achievement data, definition of curriculum, grading scale, grade distribution, weighted grades, rank in class, graduation requirements, and explanation of advanced, accelerated, advanced placement, honors courses. | “Secondary school profile” means information given in a summary format of a particular secondary school, such as location, description, achievement data, definition of curriculum, grading scale, grade distribution, weighted grades, rank in class if a ranking procedure is used, graduation requirements, an explanation of advanced-level, accelerated, honors courses, industry certifications, and other specialized programs. Rationale: Updates language to align with current practices. |
| 8 VAC 20-160-10 | | “Secondary course” means a course of study planned especially for people of ages approximately 12 to 17, in which the emphasis tends to shift from master of basic tolls of learning, expression, and understanding to the use of extension of the tolls in exploring areas of thought and living, and in exploring and acquiring information, concepts, intellectual skills, attitudes, social, physical, and intellectual ideas, and habits, understanding, and appreciation. | “Secondary course” means a high school-level course of study that awards high school credits to meet graduation requirements. In addition to providing content and knowledge, secondary courses encourage students to develop higher level thinking skills such as problem solving, critical analyses and syntheses of idea. Students are encouraged to understand, appreciate, and formulate ideas related to scientific, technical and social concepts. Rationale: Updates language to align with current practices. |
| 8 VAC 20-160-10 | | “Weighted course” means advanced placement, advanced or honors level courses in which credit is increased usually by reason of quality of work accomplished. | “Weighted course” means an advanced-level course in which credit is increased as determined by local school board policies and defined on the school profile. Rationale: Updates language to align with current practices. |

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| 8 VAC 20-160- 20 | | The secondary school transcript regulations shall become effective with seventh grade students who take secondary courses for credit beginning in the 1988-89 school year. | The secondary school transcript regulations shall become effective for students, who take secondary courses for credit in 2007-2008. Rationale: Updates information to align with current practices. |
| 8 VAC 20-160- 30 | | Localities have two options for the secondary school transcript format. They may use the Department of Education model or develop their own following board regulations. Transcripts developed locally shall be approved by the Department of Education. No standard format is required. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. | Localities have options for the secondary school transcript format. They may use the Department of Education model or develop their own following board regulations. Localities may also use a digital data exchange format for electronic transcript transmission at such time as one is adopted by the Department of Education. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. Rationale: Updates information to align with current technology. |
| 8 VAC 20-160- 30 | | 3. Student number; | 3. State Testing Identifier (STI); Rationale: Updates information to align with current technology. |
| 8 VAC 20-160- 30 | | 5. Sex; | 5. Gender; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 9. Type of diploma, to include "Advanced Studies" or "Other Diplomas Authorized by the Board of Education"; | 9. Type of diploma, to include "Advanced Studies," "Standard," or "Other Diplomas Authorized by the Board of Education;" Rationale: Updates information to align with current practices. |
| 8 VAC 20-160- 30 | | | 10. Type of industry certification credential and date of completion, if applicable; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | | 11. Certificate of Program Completion and award date, if applicable; Rationale: Updates language to comport with predominant practices. |

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| 8 VAC 20-160- 30 | | | 12. Notation of Early College Scholar Designation; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 10. Name of schools student attended each year; | 13. Name, address, and telephone number of schools student attended each year; Rationale: Updates language. |
| 8 VAC 20-160- 30 | | 11. Number of days absent within given school year; | 14. Number of days absent within given school year: Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 12. Course work listed by year with grades; | 15. Course work listed by year with grades; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 13. Total credits earned by year; | 16. Total credits earned by year; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 14. Total verified credits earned;` | 17. A list of verified credits earned; Rationale: Clarifies language. |
| 8 VAC 20-160- 30 | | 15. Credits to date; | 18. Credits to date; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 16. Grade point average; | 19. Grade point average; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 17. Credit summary for entire school experience; | 20. Credit summary for entire school experience; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 18. Key to symbols and abbreviations used to denote accelerated, advanced, advanced placement, honors, and summer school courses; | 21. Key to symbols and abbreviations used to denote accelerated, advanced-level courses, Commonwealth College Course Collaborative courses, honors, and summer school courses; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 19. Rank in class with given number of semesters used for computation; | 22. Notification of whether school/program ranks students; if so, the rank in class with given number of semesters used for computation; Rationale: Clarifies language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 20. Final driver education grade; | 23. Final driver education grade; Rationale: Updates number sequencing. |

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| 8 VAC 20-160- 30 | | 21. Test record, to include results on college performance-related standardized tests such as College Entrance Examination Board or equivalent, excluding Standards of Learning (SOL) test scores; | 24. Test record, to include highest score earned on college performance-related standardized tests such as SAT and ACT, excluding Standards of Learning (SOL) test scores; Rationale: Clarifies language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 22. Signature and title of school official; | 25. Signature and title of school official; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 23. Date of school official signature; | 26. Date of school official signature; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | 24. School name; | 27. School name; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | | 28. School Address Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 25. Telephone number of school; | 29. Telephone number of school; Rationale: Updates number sequencing. |
| 8 VAC 20-160- 30 | | | 30. Fax number of school; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 30 | | 26. Department of Education code number | 31. The school's Department of Education 7-digit code number; Rationale: Clarifies language. |
| 8 VAC 20-160- 40 | | A secondary school profile data sheet that includes the required information shall be attached to each student transcript sent to colleges, universities, and prospective employers. Schools may furnish additional information. The accreditation status of a high school shall not be included on the school profile data sheet. No standard format is required. The required information is as follows: | A secondary school profile data sheet for each school reflected on the transcript shall be attached to each student transcript sent to colleges, universities, and prospective employers. Schools may furnish additional information. The accreditation status of a high school shall not be included on the school profile data sheet. No standard format is required. The profile data sheet must contain the following information: Rationale: Updates and clarifies language to comport with predominant practices. |

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| 8 VAC 20-160- 40 | | 1. Name of guidance director or counselor. | 1. Name of school counseling director or school counselor. Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 40 | | 4. Achievement data to include College Entrance Examination Board/Scholastic Aptitude test code scores mean Scholastic Aptitude Test score for the graduating class, average Scholastic Aptitude Test/American College Test scores for the school in comparison with Virginia and nation; | 4. Achievement data to include SAT and/or ACT test scores using the most recent data available in comparison with Virginia and the nation. Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 40 | | 5. Definition of curriculum; | 5. Description of curriculum; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 40 | | 8. Explanation of advanced placement, advanced, accelerated, and honors courses; | 8. Explanation of advanced-level, accelerated, and honors courses; Rationale: Clarifies language. |
| 8 VAC 20-160- 40 | | 10. Rank in class | 10. Explanation of rank in class, if applicable; Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 50 | | AP courses. | Weight of advanced-level courses. Rationale: Updates and clarifies language to comport with predominant practices. |
| 8 VAC 20-160- 50 | | All advanced placement (AP) courses shall be weighted for computing the student's grade point average. | Advanced Placement (AP) and International Baccalaureate (IB) courses shall be weighted. Local school boards shall determine which other courses/programs are to receive weighted credits, the amount of weight such courses shall receive, and how those weighted credits will be used in the determination of grade point averages in the school or school division. Rationale: Updates language to comport with predominant practices. |

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| 8 VAC 20-160- 60 | | Advanced, accelerated, advanced placement, and honors level courses to be weighted shall have the following elements: | If the course is to be weighted, it must have the following elements: Rationale: Updates language to comport with predominant practices. |
| 8 VAC 20-160- 60 | | 1. Defined curriculum | 1. Specified curriculum approved by local board or outside agency meeting criteria of program and/or organization; Rationale: Updates and clarifies language. |