

# Board of Education Agenda Item

Item: \_\_\_\_\_ B. \_\_\_\_\_

Date: \_\_\_\_\_ June 28, 2007 \_\_\_\_\_

**Topic:** Final Review of an Appeals Process for Instructional Interventions to Satisfy Provisions in Regulations Establishing Standards for Accrediting Public Schools in Virginia

**Presenter:** Ms. Diane Jay, Associate Director, Office of Program Administration and Accountability

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## 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: \_\_\_\_\_

## Previous Review/Action:

No previous board review/action

Previous review/action  
date May 30, 2007  
action First Review

**Background Information:** The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), May 24, 2006, require schools accredited with warning in English or mathematics to adopt and implement instructional methods that have a proven track record of success at raising student achievement. The SOA also require the Board of Education to publish a list of recommended instructional methods, which may be amended from time to time.

Potential providers of instructional interventions submit applications to the Department of Education for review of their programs. The applications are evaluated by Department staff using Board-approved criteria in ten key areas. The key areas include: 1) primary goal of the program; 2) main features of the program; 3) program results; 4) impact on instruction; 5) impact on organizational staffing; 6) impact on schedule; 7) subject-area programs provided by developer; 8) students served; 9) parental involvement; and 10) technology. After review by the Department of Education, the Board of Education approves providers that meet the criteria to be added to the list of providers eligible to serve Virginia students.

At its meeting on May 30, 2007, the Board delegated to the Superintendent of Public Instruction authority to act on its behalf regarding the approval of instructional intervention applications and any initial appeals from the provider.

**Summary of Major Elements:** A process has been proposed for potential providers of instructional interventions to appeal to the Board of Education if their application has been denied by the Superintendent of Public Instruction, acting with authority delegated by the Board of Education. The proposed process outlines the steps the applicants should take if they do not agree with the decision of the Superintendent of Public Instruction to disapprove the application. The process describes: 1) the time frame for the individual submitting the appeal; 2) the procedure for considering the appeal; and 3) the time frame for consideration of the appeal.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education approve the proposed appeals process for instructional interventions to satisfy provisions in *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

**Impact on Resources:** The responsibility can be absorbed by the agency's existing resources at this time.

**Timetable for Further Review/Action:** Following final approval, the appeal process will be posted to the section of the DOE's Web site related to instructional interventions.

**Appeals Process for Instructional Interventions  
Under the *Regulations Establishing Standards  
for Accrediting Public Schools in Virginia***

<b>Submission of Application</b>	Potential Instructional Intervention provider submits application to Virginia Department of Education (VDOE) on a schedule determined by the Department.
<b>Review of Application</b>	<p><b>VDOE Review</b> The Instructional Intervention provider application is reviewed by a VDOE team within 15 business days of submission deadline. The VDOE review team forwards the application with recommendations to the Superintendent of Public Instruction.</p> <p><b>Superintendent of Public Instruction Review</b> The Superintendent of Public Instruction reviews the recommendation from the VDOE review team within 15 business days of receiving the application from the review team. The Superintendent, acting on behalf of the Virginia Board of Education (BOE) through the Delegation of Authority, will:</p> <ul style="list-style-type: none"> <li>• approve the Instructional Intervention application; or</li> <li>• deny the Instructional Intervention application.</li> </ul> <p><b>Instructional Intervention Application Resubmission</b> If an Instructional Intervention application has been denied by the Superintendent of Public Instruction, the applicant may submit a revised application in accordance with submission deadlines.</p>
<b>Appeals Process</b>	<p><b>Denied Applicant Appeals to the Superintendent of Public Instruction</b> If an Instructional Intervention application has been denied approval by the Superintendent of Public Instruction, the applicant may appeal, in writing to the Superintendent of Public Instruction within 15 business days of the date the denial letter is mailed. The Superintendent of Public Instruction will convene a review team consisting of one representative for the VDOE, one representative for the instruction intervention applicant, and one independent third party. The review team will review the appeal within 60 business days of the date the appeal is received. The decision of the review team will be sent by letter to the individual submitting the appeal within 15 calendar days of the review team’s decision.</p> <p><b>Denied Applicant Appeals to the BOE</b> If an Instructional Intervention appeal has been denied approval by the Superintendent of Public Instruction, the applicant may appeal, in writing, to the BOE within 15 business days of the date the denial letter is received. The BOE will review the appeal within 60 business days of the date an appeal is received. The final decision of the BOE will be sent by letter to the individual submitting the appeal within 15 calendar days of the BOE’s decision.</p> <p><b>Denied Applicant Appeals Through Virginia Administrative Process Act</b> This decision of the BOE is intended to be a final “case decision” within the meaning of the Virginia Administrative Process Act (APA) §§2.2-4000 et seq. of the <i>Code of Virginia</i>, and subject to further review in accordance with the APA and Part 2A of the Rules of the Supreme Court of Virginia.</p>

**Appeals Process for Instructional Intervention Providers to Satisfy Provisions  
in Regulations Establishing Standards for Accrediting Public Schools in Virginia**

