

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

Business Session: May 30, 2007
Annual Planning Sessions: May 30-31, 2007

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Dr. Mark E. Emblidge, President
Dr. Ella P. Ward, Vice President
Dr. Thomas M. Brewster
Mrs. Isis M. Castro
Mr. David L. Johnson

Dr. Gary L. Jones
Mr. Kelvin L. Moore
Mr. Andrew Rotherham
Mrs. Eleanor Saslaw

Dr. Billy K. Cannaday, Jr.
Superintendent of Public Instruction

Dr. Emblidge, president, presided and called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Emblidge asked Mr. Rotherham to lead in a moment of silence and Pledge of Allegiance.

APPROVAL OF MINUTES

Dr. Ward made a motion to approve the minutes of the April 27, 2007, meeting of the Board. The motion was seconded by Mr. Moore and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

PUBLIC COMMENT

The following persons spoke during public comment:

Jim Williams
Dorothy Taylor
Isaac Lynch, Jr.
Sylvia Jones

ACTION/DISCUSSION ON BOARD OF EDUCATION REGULATIONS***First Review of the Proposed Repeal of the Regulations Governing Textbooks-Free or Rentals Systems State Aid (8 VAC 20-190-10 et seq.) and Regulations Governing Student Insurance Programs (8 VAC 20-500-10 et seq.)***

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the purpose of this agenda item is to recommend two regulations for repeal that are unnecessary. They are as follows:

- ✓ The *Regulations Governing Textbooks – Free or Rental Systems State Aid* (8 VAC 20-190-10 et seq.) apply to the 1980-1982 biennium and do not reflect the current rate of reimbursement. The regulation is both out-of-date and unnecessary because the language providing for this reimbursement is in the appropriation act.
- ✓ The *Regulations Governing Student Insurance Programs* (8 VAC 20-500-10 et seq.) authorize local school divisions to purchase, at their discretion, student accident insurance coverage for school-related injuries. This regulation does not require local school divisions to purchase student insurance, it simply permits them to do so. Since school divisions can already purchase student accident insurance coverage for school-related injuries, and it does not prescribe or require any action to be taken by local school divisions, this regulation is unnecessary.

Copies of the text of each regulation had been distributed to Board members. Dr. Jones made a motion to waive first review and authorize staff at the Department of Education to proceed with the requirements of the Administrative Process Act. The motion was seconded by Mrs. Castro and carried unanimously.

First Review of the Notice of Intended Regulatory Action (NOIRA) to Amend and Consolidate Certain Board of Education Regulations

Mrs. Wescott also presented this item. Mrs. Wescott said that the *Regulations Governing School Boards Local*, 8 VAC 20-490-10 et seq., were adopted on or before September 1, 1980. These regulations have not been amended since that time and are out-of-date. Additionally, several other regulations have been promulgated that address regulatory requirements for local school boards and school divisions. Some of these regulations were adopted on or about September 1, 1980, as well. They all lend themselves to consolidation with the *Regulations Governing Local School Boards*.

Mrs. Wescott said that this proposal is to adopt revised regulations governing local school boards under the title *Regulations Governing Local School Boards and School Divisions* and to incorporate the applicable regulatory requirements from these other regulations so that local school boards and school divisions will have one regulation

containing applicable regulatory requirements and will not have to look to several regulations for guidance.

Mrs. Wescott said that this proposal is to amend and reenact the *Regulations Governing School Boards Local* (8 VAC 20-490-10 et seq.) into the *Regulations Governing Local School Boards and School Divisions* by consolidating several applicable regulations into one concise regulation. The regulations to be consolidated into this one regulation are as follows:

- ✓ 8 VAC 20-150-10 et seq. Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia
- ✓ 8 VAC 20-170-10 Regulations Governing Instructional Materials – Selection and Utilization by Local School Boards
- ✓ 8 VAC 20-180-10 Regulations Governing School Community Programs
- ✓ 8 VAC 20-240-10 et seq. Regulations Governing School Activity Funds
- ✓ 8 VAC 20-250-10 Regulations Governing Testing Sight and Hearing of Pupils
- ✓ 8 VAC 20-270-10 et seq. Regulations Governing Textbook Fund Management and Handling on Local Level
- ✓ 8 VAC 20-310-10 Rules Governing Instruction Concerning Drugs and Substance Abuse
- ✓ 8 VAC 20-320-10 Regulations Governing Physical and Health Education
- ✓ 8 VAC 20-390-10 et seq. Rules Governing Division Superintendent of Schools
- ✓ 8 VAC 20-410-10 Rules Governing Allowable Credit for Teaching Experience
- ✓ 8 VAC 20-420-10 Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards
- ✓ 8 VAC 20-460-10 et seq. Regulations Governing Sick Leave Plan for Teachers
- ✓ 8 VAC 20-490-10 et seq. Regulations Governing School Boards Local
- ✓ 8 VAC 20-565-10 et seq. Regulations for the Protection of Students as Participants in Human Research

Mrs. Wescott said that the regulations that have been incorporated into the *Regulations Governing Local School Boards and School Divisions* will be repealed simultaneously with the promulgation of the new regulations.

Dr. Jones made a motion to waive first review and authorize the staff at the Department of Education to proceed with the requirements of the Administrative Process Act regarding the Notice of Intended Regulatory Action for promulgating regulations. The motion was seconded by Dr. Ward and carried unanimously.

First Review of Proposed Revisions to the Regulations Governing Educational Services for Gifted Students (8 VAC 20-40-10 et seq.)

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that the current *Regulations Governing Educational Services for Gifted Students* were adopted by the Board of Education in 1993 and became effective in 1995.

Dr. Wallinger said that the proposed revisions will allow the Board to update regulations that guide school division services for gifted education. The proposed revised regulations include:

1. Additions to and revisions of definitions for critical terms;
2. Realignment of aspects of the screening, referral, identification, and placement components of the 1993 regulations;
3. Addition of parental rights, notification, consent, and appeals information;
4. Revision of components of the local plan for the education of the gifted;
5. Revision of the role and function of the local advisory committee for the education of the gifted to comply with section 22.1-18.1 of the *Code of Virginia*; and
6. Addition of annual report expectations to comply with section 22.1-18.1 of the *Code of Virginia*.

Mrs. Saslaw made a motion to accept for first review the proposed changes to the *Regulations Governing Educational Services for Gifted Students*. The motion was seconded by Dr. Brewster and carried unanimously. Staff will make the proposed revisions through the next steps required by the Administrative Process Act.

ACTION/DISCUSSION ITEMS

Final Review of a Request for Increased Graduation Requirements from Waynesboro City Public Schools

Mrs. Wescott presented this item. Mrs. Wescott said that Waynesboro City Public Schools is requesting approval to require students to have successfully completed a course in finance, incorporating the Board's objectives in economic education and financial literacy. The student could complete a full year, credit-bearing course from the finance concentration sequence in Career and Technical Education, for which the student would earn a standard credit. As an alternative, if the student has sufficient credits for graduation, the student could complete a shorter, online course, which would also be based on the finance concentration sequence in Career and Technical Education. Transfer students could also take advantage of the online option. Students choosing the online option would not earn a standard credit for successfully completing this course.

This requirement would become effective for the students entering the ninth grade for the first time in the 2007-2008 school year, as specified in both the Standards of Accreditation and the guidance document.

Dr. Jones made a motion to approve Waynesboro City Public School's request to increase graduation requirements. The motion was seconded by Dr. Ward and carried unanimously.

Final Review of a Request for Increased Graduation Requirements from Botetourt County Public Schools

Mrs. Wescott presented this item. Mrs. Wescott said that currently, Botetourt County Public School's graduation requirements are exactly the same as the minimum required in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. Botetourt County is requesting approval to require students to have successfully completed four additional electives to earn a Standard, Advanced Studies, or Modified Standard Diploma. The Board of Education's guidance document does not provide for increased requirements to the Modified Standard Diploma.

The additional electives would be phased in over a four-year period, so that:

- First-time ninth graders in the 2007-2008 school year would need one additional elective, compared to the current graduation requirements;
- First-time ninth graders in the 2008-2009 school year would need two additional electives;
- First-time ninth graders in the 2009-2010 school year would need three additional electives; and
- First-time ninth graders in the 2010-2011 school year would need four additional electives.

Botetourt County Public Schools is making the request to enable its students to be competitive with students in nearby school divisions. Botetourt County Public Schools would not prescribe the electives that a student must take in order to graduate, but would allow students, their parents, and the school counselor to plan a program of study for each student. This would enable students to "build their resume" to prepare for post-secondary education and the workplace. Students could choose from a variety of options, including courses in career and technical education, art, music, languages, and other academic subjects.

Botetourt County Public Schools would have a policy in place to accommodate transfer students, as required by the *Regulations Establishing Standards of Accrediting Public Schools in Virginia*. Transfer students would not be denied a diploma if they would otherwise meet the graduation requirements in the Standards of Accreditation, but could meet the requirements for additional electives only by taking a heavier than normal course load, attending summer school, or taking courses after the time when the student otherwise would have graduated, as determined on a case-by-case basis.

Mrs. Saslaw made a motion to approve Botetourt County Public Schools request to increase graduation requirements. The motion was seconded by Mr. Rotherham and carried unanimously.

Final Review of a Request for Approval of an Alternative Accreditation Plan from the Richmond City Public Schools for Richmond Alternative School

Mrs. Kathleen Smith, director of the office of school improvement, and Dr. Yvonne Brandon, associate superintendent for instruction and accountability for Richmond City Public Schools, presented this item. Mrs. Smith said that the Richmond City School Board approved the Request for Approval of an Alternative Accreditation Plan. Mrs. Brandon answered questions from the Board.

Dr. Emblidge noted that Mrs. Brandon presented this item to the Board last month. In review, Richmond City Public Schools partners with the Community Education Partners (CEP) to provide services through the Capital City Program (CCP) at Richmond Alternative School. The purpose of the partnership is to support low-performing and disruptive students so that they can return to their home schools prepared to be successful. This program focuses on the most difficult students with learning and behavioral issues as a result of factors beyond the control of public education. CCP encompasses students in grades three through twelve who are consistently experiencing severe behavioral problems and for whom no other appropriate services have been successful. Students are placed at CCP for a period of 180 days through referral from their current school principal or the hearing officer. Students have failed to respond positively to the traditional schools' intervention strategies and may face the possibilities of being retained or dropping out of school.

Mrs. Saslaw made a motion to approve the alternative accreditation plan for Richmond Alternative School. The motion was seconded by Mrs. Castro and carried unanimously. Dr. Brandon thanked the Board and thanked Mrs. Smith and her staff for their invaluable help.

Final Review of Approval of Local School Division Remedial Plans

Mrs. Smith also presented this item. Mrs. Smith said school divisions are required to develop a remediation plan designed to strengthen and improve the academic achievement of eligible students. Local school divisions have submitted remedial plans for summer 2007 to the department for approval by the Board of Education. Data regarding the summer program for 2006 will be submitted to the department by school divisions in September 2007 as required by the *Code of Virginia*. This data cannot be collected until after administration of the Standards of Learning assessments in spring 2007.

Mrs. Smith said that department staff members have reviewed remediation plans from 130 school divisions and determined that all of the plans meet the requirements of 8

VAC 20-630-20. Two divisions, Loudoun County and Frederick County, have indicated that they will not offer a remedial summer program. The report contains a summary of the quality indicators proposed in the remedial plans from the 130 school divisions that reported as required.

8 VAC 20-630-50 requires school divisions to report to the department the pass rate on the Standards of Learning assessments for students who attend the 2007 summer remedial programs or, in the case of year-round schools, 2007-2008 intersession programs. Divisions will submit SOL data pertaining to the 2007 summer remedial program, or in the case of year-round schools, 2007-2008 intersession programs in September 2008.

Senate Bill 795, passed by the 2007 General Assembly requires programs of prevention, intervention, and remediation to be research-based. The department has provided divisions with a template for planning for remediation programs that indicate research-based strategies. These strategies include clear standards for quality that put priority on student mastery of reading and mathematics skills, program length, and scheduling of classes; pre- and post-tests used to determine student gains; and low adult/child ratio.

Dr. Jones made a motion to approve the report on local school division remedial plans. The motion was seconded by Dr. Brewster and carried unanimously.

Final Review of a Resolution Delegating the Approval of Other States' Comprehensive Subject Area Assessments as Substitute Tests, Pursuant to the Board of Education's Guidance Document Governing Certain Provisions of the Regulations Establishing Standards of Accrediting Public Schools in Virginia

Mrs. Wescott presented this item. Mrs. Wescott said that 8 VAC 20-131-110, permits the approval of assessments "administered as part of another state's accountability assessment program" as substitutes for the Standards of Learning assessments, for the purpose of awarding verified units of credit to students who transfer to Virginia from out-of-state.

Dr. Ward made a motion to adopt the resolution to delegate its authority to approve other states' comprehensive tests as substitute tests, subject to conditions listed below in the resolution. The motion was seconded by Mrs. Castro and carried unanimously.

Virginia Board of Education Resolution
Delegating Certain Duties to the Superintendent of Public Instruction

That the following Board responsibilities, set forth in the cited sections of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 et seq.), be delegated to the Superintendent of Public Instruction.

Under 8 VAC 20-131-110, Standard and Verified Units of Credit, the “Board of Education may from time to time approve additional tests for the purpose of awarding verified credit.” The *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*, approved by the Board of Education in 2006, further states that the Board “may delegate the authority for final approval of these tests to the Superintendent of Public Instruction.”

This delegation of authority shall apply only to those comprehensive subject area examinations approved as part of another state’s accountability system and approved through the federal standards and assessment peer review process.

Such delegation shall also be subject to the following conditions:

- a) That the Superintendent reports annually to the Board on his exercise of the authority and responsibility delegated to him;
- b) That the Board reserves the right to require of the Superintendent a report concerning the exercise of any authority herein delegated;
- c) That the Superintendent’s exercise of the delegated authorities shall conform to all regulations of the Board and laws governing educational programs and policy in Virginia;
- d) That the review of the test to determine its suitability for use to award verified credit be conducted in the same manner as other substitute tests have been reviewed and recommended for approval, as set forth in the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*. In addition, in order for a test to be deemed suitable for use, the test must be approved as part of another state’s accountability system and approved through the federal standards and assessment peer review process;
- e) That school divisions shall be notified of any such tests that are approved; and
- f) That this delegation is not an abnegation of the Board’s power and responsibility in the areas delegated.

This delegation of authority shall remain in effect until 8 VAC 20-131-110 is amended by the Board of Education, or until this resolution is amended or rescinded by the Board of Education.

First Review of a Resolution Granting the Superintendent of Public Instruction Authority to Act on Behalf of the Virginia Board of Education Regarding Supplemental Educational Services and Instructional Interventions Applications and Initial Appeals

Ms. Roberta Schlicher, director of the office of program administration and accountability, presented this item. Ms. Schlicher said that potential providers of supplemental educational services (SES) and instructional interventions submit applications to the Department of Education for review of their programs. The SES applications are evaluated by department staff using criteria approved by the Board of Education on July 25, 2002. The instructional intervention applications are evaluated by department staff using criteria approved by the Board of Education on February 25, 2004, and updated on February 28, 2007. The department then makes a recommendation to the Board for approval or denial.

Ms. Schlicher said that the proposed process outlines the steps the applicants should take if they believe denial of approval of their application is unwarranted. Effective with this resolution, the Superintendent of Public Instruction would be granted authority to act on behalf of the Board regarding: 1) approval of the SES and instructional intervention applications; and 2) the initial appeal from providers whose applications were not approved.

Dr. Jones made a motion to waive first review and grant the Superintendent of Public Instruction the authority to act on the Board's behalf regarding the approval of the SES and instructional intervention application and the initial appeal from the providers. The motion was seconded by Dr. Ward and carried unanimously.

The resolution reads as follows:

Virginia Board of Education Resolution
Granting the Superintendent of Public Instruction Authority to Act on Behalf of the Virginia Board of Education Regarding Approval of Supplemental Educational Services and Instructional Interventions Applications and Initial Appeals

WHEREAS, Section 1116(e)(4)(B-C) of the *No Child Left Behind Act of 2001* requires states to: 1) develop and apply objective criteria to potential supplemental educational services (SES) providers that are based on a demonstrated record of effectiveness in increasing the academic proficiency of students on state academic content and student achievement standards; and 2) maintain an updated list of approved providers across the state, by school division, from which parents may select; and

WHEREAS, Section 8 VAC 20-131-310 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), effective September 7, 2006, requires: 1) schools accredited with warning in English or mathematics to adopt and implement instructional interventions that have a proven track record of success at raising student achievement; and 2) the Board of Education to publish a list of recommended instructional interventions, which may be amended from time to time; and

WHEREAS, the Board of Education has the authority to approve supplemental education services and instructional intervention providers;

NOW, THEREFORE BE IT RESOLVED that the Board of Education grants the Superintendent of Public Instruction the authority to act on behalf of the Board of Education regarding the approval of supplemental educational services and instructional interventions applications and initial appeals. Such delegation shall also be subject to the following conditions: a) that the Board reserves the right to require of the Superintendent a report concerning the exercise of any authority herein delegated; b) that the Superintendent's exercise of the delegated authorities shall conform to all regulations of the Board and laws governing educational programs and policy in Virginia; c) that this delegation is not an abnegation of the Board's power and responsibility in the areas delegated; and d) that this delegation of authority shall remain in effect until amended or rescinded by the Board of Education.

First Review of an Appeals Process for Supplemental Educational Services Providers Under the No Child Left Behind Act of 2001

Ms. Schlicher also presented this item. Ms. Schlicher said that Section 1116(e)(4)(B-C) of the *No Child Left Behind Act of 2001* requires states to: 1) develop and apply objective criteria to potential supplemental educational services (SES) providers that are based on a demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the state academic content and student achievement standards; and 2) maintain an updated list of approved providers across the state, by school division, from which parents may select.

Ms. Schlicher said that potential SES providers 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) evidence of effectiveness; 2) evidence of link between research and program design; 3) connection to state academic standards and division's instructional program; 4) monitoring student progress; 5) communication with schools and school divisions; 6) communication with parents and families; 7) qualifications of instructional staff; 8) financial and organizational capacity; 9) compliance with federal, state, and local health and safety standards; and 10) compliance with federal, state, and local civil rights protections. After a 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.

Ms. Schlicher said that potential supplemental educational services (SES) providers may 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.

Mrs. Saslaw made a motion to accept for first review the proposed appeals process for supplemental educational services providers under the *No Child Left Behind Act of 2001*. The motion was seconded by Mr. Rotherham and carried unanimously.

First Review of an Appeals Process for Instructional Interventions to Satisfy Provisions in Regulations Establishing Standards for Accrediting Public Schools in Virginia

Ms. Schlicher presented this item. Ms. Schlicher said that 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.

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.

Dr. Ward made a motion to accept for first review the proposed appeals process for instructional interventions to satisfy provisions in *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. The motion was seconded by Mrs. Castro and carried unanimously.

First Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Grant Continuing Accreditation to the Teacher Education Program at Lynchburg College

Mrs. Patty Pitts, assistant superintendent of the division of teacher education and licensure, presented this item. Mrs. Pitts said that the *Regulations Governing Approved Programs for Virginia Institutions of Higher Education* require colleges and universities that offer programs for the preparation of professional educators to obtain continuing program approval from the Board of Education.

In fall 2006, Lynchburg College was reviewed under the Board of Education process. The regulations set forth 20 standards in the following four categories: program design; faculty; candidates; and program operation/accountability. The review team makes a recommendation of “met” or “not met” for each of the 20 standards. In addition, the team makes a recommendation of “approval,” “approval with stipulations,” or “denial” for the teacher preparation program as a unit; and one of these three recommendations is made for each endorsement program offered by the institution.

Mr. Johnson made a motion to waive first review and approve ABTEL's recommendation to grant continuing accreditation to the teacher education program at Lynchburg College and that the endorsement areas of mathematics and music education be approved with stipulations. The motion was seconded by Dr. Ward and carried unanimously.

First Review by the Virginia Board of Education to Ratify and Appoint the School Division Superintendent in Newport News City Schools Pursuant to Sections 22.1-60 and 22.1-61 of the Code of Virginia

Dr. Cannaday said that the Newport News City School superintendent's position became vacant on October 1, 2006. The school did not appoint a new superintendent within the required timeline and asked the State Board of Education permission to continue the process. Dr. Cannaday said that in the event that a school board fails to appoint a division superintendent within the time prescribed by Sections 22.1-60 and 22-1-61 of the *Code of Virginia*, the Virginia Board of Education shall appoint the division superintendent. Dr. Cannaday said that the school board took action on May 24, 2007, and recommended Dr. Ashby Kilgore.

Dr. Brewster made a motion to approve Dr. Ashby Kilgore as the superintendent for Newport News Public Schools. The motion was seconded by Dr. Ward and carried unanimously.

First Review of Guidelines for Schools for Students with Disabilities Fund

Mr. Douglas Cox, assistant superintendent of the division of special education and student services, presented this item. Mr. Cox said that the 2006 Appropriation Act established a provision, known as the *Schools for Students with Disabilities Fund*, whereby individuals or businesses may receive tax credits for contributions made to private schools for students with disabilities when the donations are for the purpose of providing tuition assistance for students to attend the school. The Appropriation Act language specified that the Board of Education is to issue guidelines for the administration of this program which is effective on July 1, 2007.

Mr. Cox said that the guidelines contain the following elements:

- **Grant Administration**: Provisions for receiving donations and disbursing the monies to private schools
- **Tax Credit Administration**: Provisions for awarding tax credits to donors
- **Oversight and Recovery of Funds**: Provisions for monitoring private schools' use of donated funds and for recovery of funds under applicable conditions

Dr. Jones made a motion to accept the *Guidelines for the Schools for Students with Disabilities Funds* for first review. Mr. Moore seconded the motion. The motion passed with a vote of 8 to 1. Dr. Ward voted no. Mr. Rotherham said that he voted for the guidelines because they were adequate and it was the Board's responsibility to

implement the policy. He noted for the record that the new program creates a perverse incentive that works against other efforts to reduce over-identification for special education. The guidelines will be brought back to the Board for final review and adoption at the June meeting.

First Review of Action Required to Continue the Process of Consolidating the Two Virginia Schools for the Deaf and the Blind

Mr. Cox also presented this item. Mr. Cox said that beginning with the 2003 General Assembly, several tasks have been assigned to either the Department of Education, the Board of Education or the Department of General Services (DGS) to plan needed activities for the consolidation of the two state schools for the deaf and the blind into a single school program. Following is a brief summary of those directives:

2003 General Assembly

The Board of Education was charged with responsibility for forming and conducting a task force to develop a conceptual framework for the new program. It is reported in the subsequent document submitted entitled *Plan for Consolidating Services for the Deaf and/or Blind and Multi-Disabled Students Served by Virginia's Two Schools at Staunton and Hampton*.

2004 General Assembly

The Secretaries of Education, Health and Human Resources, Administration, and Finance, together with the State Board of Education, the Department of Education, the two schools for the deaf, blind, and multi-disabled, the Woodrow Wilson Rehabilitation Center, the Department of General Services, and the Department of Planning and Budget were directed to conduct a capital needs assessment and feasibility study for consolidating the State's two existing schools for the deaf, blind, and multi-disabled. The feasibility study report was transmitted by the Secretary of Education to the Governor and the General Assembly.

2005 General Assembly

The Board of Education was directed to continue the process for consolidating the schools, including the development of projected building costs and the selection of a site for the new school. The General Assembly authorized \$61.5 million for construction of a new school if the Board of Education selected a Public-Private Education Act (PPEA) proposal.

At its meeting on July 27, 2005, the Board selected a PPEA proposal submitted by Trammel Crow and authorized the Department and DGS to move forward with Trammell Crow to examine options for the following:

1. Renovation and/or construction of a new facility at Staunton
2. Renovation and/or construction of a new facility at Hampton

3. Construction of a new facility at alternate locations as in accordance with the guidelines for the new facility in the Department of Education Feasibility Study

At its meeting on September 21, 2005, the Board reviewed cost estimates prepared by Trammell Crow for the options described above. Because the cost estimates exceeded the \$61.5 million authorization (between 37 and 54 percent), the Board voted to present findings of cost estimates from Trammell Crow along with comments from the Board to the Appropriations and Finance Committees and ask for further instruction from the General Assembly.

2006 General Assembly

The Board of Education was directed, assisted by DGS, to plan and design the consolidation of the two schools into a single campus at Staunton by beginning the process of developing architectural and engineering drawings for the consolidated school. Funding appropriated for this purpose was \$2.5 million dollars. The DGS services included the development of a proposed schematic for the Staunton site with the intent to continue with development of preliminary drawings, working drawings and the final construction document after the project is funded. The amendment further authorized the transfer of the current Hampton campus to a regional day program in Hampton Roads.

2007 General Assembly

The Board of Education was directed to enter into either 1) a conventional design contract and construction manager at-risk contract or 2) an interim agreement under the PPEA to plan and design the consolidation of the two schools and to transfer the students, programs and services from the Hampton program to a single campus at Staunton. Funding appropriated for this purpose is \$3.5 million dollars.

The Department of Education is directed to assist with the coordination with appropriate local entities for the transition of services to a regional day program in the Hampton Roads area by no later than June 30, 2008. The Department of General Services, in conjunction with the Board of Education may, with the Governor's approval, convey property from either campus specific to the purposes outlined.

Mrs. Castro made a motion to enter into a conventional design contract and a construction manager at-risk contract with assistance from the Department of General Services. The motion was seconded by Mrs. Saslaw and carried unanimously.

ADJOURNMENT OF BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Dr. Emblidge adjourned the business meeting at 10:35 a.m.

VIRGINIA BOARD OF EDUCATION

Planning Session Wednesday and Thursday, May 30-31, 2007

Following the adjournment of the Board of Education business session, the president convened the planning session at 10:45 a.m. All members were present, as was Dr. Cannaday.

Board Roles and Responsibilities in Planning

Dr. Emblidge opened the planning session by giving an overview of the Board of Education's responsibilities for updating the comprehensive plan. He explained that the Board is exercising its constitutional and statutory authority to establish policies, standards and objectives for the Commonwealth's public schools. Article VIII of the *Constitution of Virginia* entrusts the Board of Education, which is the only policymaking board specified in the constitution, with the primary responsibility for setting educational policies subject only to the authority of the General Assembly. In addition, the *Code of Virginia* states that "the general supervision of the public school system shall be vested in the Board of Education."

The comprehensive plan describes how the Board is carrying out its responsibilities under the constitution and state law. The importance of this document is underscored by the fact that the General Assembly requires the Board to review and update the plan every two years. The plan is the Board's blueprint for achieving its vision of creating "an excellent statewide system of public education that equips all students with the knowledge and skills to excel in postsecondary education and careers and to become capable, responsible, and self-reliant citizens."

Dr. Emblidge emphasized that in revising the plan, the Board makes sure that as it fulfills its responsibilities and exercises its authority under the *Code* and *constitution*, all of its efforts are aligned with the vision.

Through the *Code of Virginia*, the General Assembly prescribes the specific powers and duties of the Board. These powers and duties include:

- Establishing and revising objectives for teaching and learning, otherwise known as the Standards of Learning
- Accrediting schools and establishing graduation requirements
- Establishing requirements for the licensing of teachers
- Preparing and supervising the implementation of programs for students with disabilities and establishing procedures to protect the rights of parents and students
- Promulgating other regulations deemed necessary by the Board to carry out its powers and duties and to carry out the will of the General Assembly

Dr. Cannaday added that the comprehensive plan captures how all of these duties, powers and responsibilities fit together and support the Board's vision. Standards of Learning, assessments, accreditation of schools, adoption of instructional materials, and teacher licensure requirements are all interrelated components of our Standards of Learning program. Virginia's accountability program is built on a systemic model, which means that changes in one part of the program will require a review of other components.

In addition to its powers and responsibilities under state law, the Board also is recognized by federal law as the primary setter of educational policy for the commonwealth. So the comprehensive plan also expresses the Board's leadership in implementing federal legislation such as No Child Left Behind.

Review of Major Board Issues: 2007-2009

Dr. Emblidge then introduced the planning session facilitator, Ms. Stuart Gravatt, who gave an overview of the agenda for the planning session. Ms. Gravatt explained that the session would begin with an overview of five major statutory and regulatory actions that the Board must undertake in the coming two years. For each topic, a short summary of the requirement and the background information was given by the appropriate assistant superintendent, as follows:

Required Action 1: Career and Technical Education State Plan and Regulations

Overview: The *Carl D. Perkins Career and Technical Education Act of 2006* (referred to from now on as Perkins IV) required the submission of a Transitional State Plan on May 7, 2007, and requires that a five-year plan be submitted in April 2008. Perkins IV has changed requirements for the Performance Standards and added requirements for Programs of Study and assessments of career and technical education courses/programs. Perkins IV also, for the first time, allows for negotiations between the state and local levels for Performance Standards and allows sanctions at the state and local level if Performance Standards are not met.

Major issues for consideration:

- Development and approval of five-year Perkins state plan.
 - Coordination of stakeholders and other state agencies to develop plan.
 - Development of five-year plan through expansion/modification of Perkins IV Transitional Plan 2007 – 2008.
 - Adoption of plan by the State Board of Education/State Board of Career and Technical Education; public hearings; submission to Secretary of Education and Governor for final approval prior to submission.
- Impact of required assessments on Virginia's career and technical education (CTE) courses/programs. As of this date, a final decision has not been made at the federal level whether the assessments must be at the end-of-course or end-of-program.
- Impact of negotiations with local education agencies for levels of Performance Standards and possible sanctions if Performance Standards are not met.

Estimated timeline

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| Meetings of Perkins State Plan Review Committee | June – August 2007 |
| Board of Education first review of the proposed plan | November 2007 |
| Executive review (Secretary of Education and the Governor's Office) | December 2007 – January 2008 |
| Public comment period | December 2007 – January 2008 |

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| Board of Education final approval of the plan | February 2008 |
| Executive review | March – April 2008 |
| Submission of State Plan | April 15, 2008 |

Required Action 2: Special Education Regulations

Overview: The *Regulations Governing the Special Education Programs for Children with Disabilities in Virginia* (Regulations Governing Special Education) are the Board of Education’s regulations in response to the *Code of Virginia* requirements of the Board to “prepare and supervise the implementation of each school division of a program of special education designed to educate and train children with disabilities” between the ages of two and twenty-one, inclusive. This program must “be designed to ensure that all children with disabilities have available to them a free and appropriate education.” (§ 22.1-214) The current Regulations Governing Special Education were adopted by the Board on October 19, 2000, and became effective in January 2001. The Board approved technical changes proposed by the U.S. Department of Education on February 5, 2002, which became effective March 27, 2002. The revision of the Regulations Governing Special Education is now required to ensure compliance with the *Individuals with Disabilities Education Improvement Act of 2004* (IDEA 2004) and its implementing federal regulations, effective October 13, 2006. Alignment with these federal mandates is required to ensure Virginia’s continued eligibility for federal special education funding, which totals \$268.7 million for 2006-2007. The Board approved the Notice of Intended Regulatory Action on October 25, 2006. Subsequent to Executive Review, the Notice was published on January 22, 2007, and the first public comment period closed on February 23, 2007. We anticipate submitting the draft revised regulations at the Board’s July 25, 2007, meeting.

Major issues for consideration:

- The IDEA 2004 provides significant flexibility to school divisions in such areas as the development of Individualized Education Programs (IEPs); discipline procedures; and secondary transition.
- Virginia exceeds the federal requirements in a number of areas that are driven by Virginia law or other regulations. However, Virginia also incorporates a number of provisions that exceed either federal or state requirements; for example, in such areas as parental consent and child find. These Virginia-specific requirements are challenged by the U.S. Department of Education’s 2006 federal regulations calling for each state to minimize the number of rules, regulations and policies that are State-imposed requirements to which the local school divisions and schools are subject. (34 CFR § 300.19). Therefore, an examination of these provisions is needed, as well as determining if the Regulations Governing Special Education should restrict the flexibility to school divisions otherwise granted by the IDEA 2004.

Estimated timeline

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| Board of Education review of the proposed regulations | July 25, 2007 |
| Executive review (Attorney General’s Office, Dept of Planning & Budget, Sec. of Education’s Office, & the Governor’s Office) | August – November 2007 |
| Public comment period | December 2007 - February 2008 |
| Board of Education approval of the final regulations | July 2008 |
| Executive review | July – September 2008 |
| Effective date of the Regulations Governing Special Education | October 2008 |

Required Action 3: Standards of Accreditation

Overview: The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation) are the Board of Education’s regulations governing the accountability of public schools in Virginia. They contain student achievement expectations, including graduation requirements; the school’s instructional program; instructional leadership; school facilities and safety; school and community communications; school accreditation requirements; and recognitions and rewards.

Major issues for consideration: Earlier this year, the Board of Education proposed opening the Standards of Accreditation to include graduation rates as a part of Virginia’s accountability system. In addition, the 2007 General Assembly passed legislation to require the establishment of technical diplomas that would be similar to the Standard and Advanced Studies Diplomas, but would require a concentration in career and technical education (CTE). These new diplomas would have to be established by regulation in the Standards of Accreditation.

The major issues related to graduation rates are expected to include:

- Policy options for including graduation rates in the accountability system,
- Policy options that promote, prevent or reduce dropouts, and
- Incentives and rewards to encourage high rates of graduation, or significant progress in increasing their graduation rate.

The major issues related to technical diplomas are expected to include:

- Options for defining “a concentration in career and technical education, as established in Board regulations,”
- Resource considerations in developing policies for CTE programs and technical diplomas, and
- Options for policies to promote student interest in CTE and the technical diploma options.

Estimated timeline

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| Notice of Intended Regulatory Action | February 28 – July 2007 |
| Board of Education review of the proposed regulations | August – November 2007 |
| Executive review (Attorney General’s Office, Department of Planning and Budget, the Secretary of Education’s Office, and the Governor’s Office) | December 2007 – April 2008 |
| Public comment period | May – June 2008 |
| Board of Education approval of the final regulations | July – September 2008 |
| Executive review | October 2008 – February 2009 |
| Effective date of the Standards of Accreditation | March 2009 for the 2009-2010 academic year |

Required Action 4: Standards of Learning and Supporting Materials

Overview: The Standards of Learning for Virginia Public Schools describe the Commonwealth's expectations for student learning and achievement in grades K-12 in English, mathematics, science, history and social science, English language proficiency, technology, the fine arts, foreign language, health and physical education, and driver education. These standards represent a broad consensus of what parents, classroom teachers, school administrators, academics, and business and community leaders believe schools should teach and students should learn.

Major issues for consideration:

- The *Code of Virginia* requires the Board of Education to establish a schedule for the review of the *Standards of Learning* at least once every seven years, including an opportunity for public comment through both a Web site and public hearings.
- The *Code of Virginia* also requires the Board to seek public comment prior to revising or adopting Standards of Learning resource guides [curriculum frameworks]. Curriculum frameworks are developed for content areas in which *Standards of Learning* assessments are administered.
- The review of several sets of standards is in progress. The *Standards of Learning for English Language Proficiency* were approved for first review on September 27, 2006. As a result of public comment, the Department has reconvened committees to address concerns. A second review of the proposed *Standards of Learning for English Language Proficiency* is anticipated for summer 2007, followed by approval a month later.

- Earlier in 2007, the Board approved timelines for the review of the *Standards of Learning* for history and social science, health and physical education, and driver education.
- During the 2008-2010 time period, *Standards of Learning* in mathematics, English, and science are also scheduled for review.
- It is important to note that any revisions to the *Standards of Learning* may also result in changes to the accompanying Curriculum Framework and state assessments. This could have a fiscal impact on school divisions as they modify their curricula and teaching materials, as well as on the Department of Education's schedule for implementation of the assessments.

Estimated timeline

| | History and Social Science | Health Education, Physical Education, and Driver Education | Mathematics | English | Science |
|---|-----------------------------------|---|--------------------|------------------|------------------|
| Approval of timeline to proceed with the review of the <i>Standards of Learning</i> | Jan. 2007 | Jan. 2007 | Jan. 2008 | Jan. 2009 | Jan. 2009 |
| First review of the proposed revised standards | Sept./Oct. 2007 | Sept./Oct. 2007 | Sept./Oct. 2008 | Sept./Oct. 2009 | Sept./Oct. 2009 |
| Public hearings on the standards | Nov. – Dec. 2007 | Nov. – Dec. 2007 | Nov. – Dec. 2008 | Nov. – Dec. 2009 | Nov. – Dec. 2009 |
| Final review and approval of the standards | Feb./Mar. 2008 | Feb./Mar. 2008 | Feb./Mar. 2009 | Feb./Mar. 2010 | Feb./Mar. 2010 |
| First review of the Curriculum Framework | Apr./May 2008 | Not Applicable | Apr./May 2009 | Apr./May 2010 | Apr./May 2010 |
| Public hearings on the Curriculum Framework | May/June 2008 | Not Applicable | May/June 2009 | May/June 2010 | May/June 2010 |
| Final review and approval of the Curriculum Framework | July 2008 | Not Applicable | July 2009 | July 2010 | July 2010 |

Required Action 5: Standards of Quality

Overview: Article VIII, § 2 of the *Constitution of Virginia* requires the Board to prescribe Standards of Quality for Virginia public schools. Those standards have been enacted in the *Code of Virginia*, §§ 22.1-253.13-1 through 22.1-13.8. In accordance with § 22.1-18.01 of the *Code of Virginia*, the Board reviews the Standards of Quality not less than every two years. The Standards of Quality include:

- Instructional programs supporting the Standards of Learning and other educational objectives;
- Instructional, administrative, and support personnel;
- Accreditation, other standards and evaluation;
- Student achievement and graduation requirements;
- Quality of classroom instruction and educational leadership;
- Planning and public involvement;
- School board policies; and
- Compliance.

The Standards of Quality are also in the Appropriation Act as the primary determinant of state funding for school divisions. State funding for the Standards of Quality is approximately five billion dollars each year. This represents about 88 percent of total state funds for K-12 public education.

Major issues for consideration: When the Board last approved changes to the Standards of Quality in November 2006, it did so with the understanding that it would review policy issues that would address the needs of students with Limited English Proficiency (LEP) in 2007. Staff has begun its research, and will bring this to the Board later this year. The SOQ rebenchmarking is also scheduled for later this year, for consideration by the 2008 General Assembly.

The Board is scheduled to conduct a full review of the SOQ in 2008.

Estimated timeline

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| Research, SOQ committee | May – August 2007 |
| Board of Education review; public comment | September – November 2007 |
| 2008 General Assembly | January 2008 – March 2008 |
| Effective date of the 2008 Standards of Quality | July 1, 2008 for amendments approved by the General Assembly |
| Research, SOQ committee | April – August 2008 |
| Board of Education review; public comment | September – November 2008 |
| 2009 General Assembly | January 2009 – February 2009 |
| Effective date of the 2009 Standards of Quality | July 1, 2009 for amendments approved by the General Assembly |

Board Discussion: New Policy Directions or Areas of Emphasis

Dr. Patricia Wright, chief deputy superintendent, presented an overview of ideas for an incentive program that would encourage and recognize competence to excellence. Dr. Wright reviewed the goals, objectives, and measures for the Virginia Index of Performance (VIP) proposal. She also gave a brief overview of the proposed implementation strategies for VIP. The Board thanked Dr. Wright for her work on this new and creative proposal. The Board asked Dr. Wright to continue to develop the proposal and to bring it back to the Board for action at an appropriate time.

Review of Current Vision and Mission Statements and Comprehensive Plan

The Board of Education, with the assistance of Ms. Gravatt, began its detailed review of the current vision and mission statements. A number of ideas were discussed. The Board agreed to the wording it wishes to revise and asked staff to incorporate the changes in the wording into revised vision and mission statements, which will be reviewed at the June 28th meeting.

Analysis and Revision of Comprehensive Plan Objectives

The Board of Education discussed in detail the objectives for public education contained in the current comprehensive plan. A number of ideas were discussed. The Board agreed to the wording it wishes to revise and asked staff to incorporate the changes in the wording into revised vision and mission statements, which will be reviewed at the June 28th meeting.

Adjourn for the Day

Following discussion of objectives 1 and 2, the Board adjourned for the day at 3:40 p.m.

Reconvene on Thursday, May 31, 2007

Analysis and Revision of the Comprehensive Plan: Continued

The Board reconvened at 9 a.m. on Thursday, May 31, 2007. Ms. Gravatt was the meeting facilitator, and the members of the Board continued their discussion from the previous day on updating and revising its objectives to be contained in the Comprehensive Plan: 2007-2012. During the session, Board members discussed a

variety of topics of concern, which they wish to see reflected in the revised objectives. These topics included the following:

- Preparing students for a global economy
- 21st century knowledge and skills
- Recognizing and rewarding excellence
- Foreign languages for all students and at the early grades
- Increasing teacher diversity
- Leadership (principals)
- Standards for Supplemental Education Services providers (under NCLB)
- Helping students make major transitions (also to post-secondary)
- Assisting low-performing schools
- Cultural diversity

Dr. Brewster recommended adding a new objective to address school safety and security, and the full Board concurred. Dr. Brewster was asked to submit possible wording for the objective to department staff for incorporation into the draft to be reviewed at the June meeting.

Implementing the Plan: Board Committees

Dr. Emblidge asked that all committee chairs consider how the priorities and objectives of the Board can be addressed by the committees. He asked that the chairs meet with him in the near future to discuss ideas and plans in this regard.

At the close of the discussion, Dr. Emblidge asked Dr. Cannaday and the department staff to incorporate the many points of discussion into a draft of the Comprehensive Plan: 2007-2012 and to present the draft at the Board's next meeting on June 28, 2007. At that time, the Board will decide on its preferred language for the plan and then disseminate it broadly to interested persons and organizations for their suggestions and comments.

Adjournment of the Planning Session

The planning session was adjourned at 11 a.m.

President