

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

September 17, 2009

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22<sup>nd</sup> 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

Mr. K. Rob Krupicka  
Dr. Virginia L. McLaughlin  
Mr. Kelvin L. Moore  
Mrs. Eleanor B. Saslaw

Dr. Patricia I. Wright, 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 Dr. Brewster 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 July 23, 2009, meeting of the Board. The motion was seconded by Mrs. Castro and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

***RECOGNITION***

Dr. Wright welcomed members of the Special Education Leadership Academy which is sponsored by the Virginia Department of Education. Dr. Wright said that the members of the Academy have a keen interest in enhancing their professional growth by becoming divisionwide special education leaders or leaders within their own school.

***PUBLIC COMMENT***

No speakers signed up for public comment.

***Action/Discussion: Board of Education Regulations***

***Final Review of Pupil Transportation Specifications for School Buses***

Mr. Kent Dickey, assistant superintendent for finance, presented this item. Mr. Dickey said that the *Regulations Governing Pupil Transportation*, as approved in January 2004, deleted the sections that detailed the technical specifications for school buses and made them a separate document that requires periodic approval by the Board of Education. This permits the Department of Education to revise and update the bus specifications more efficiently than would be permitted under the process for revising regulations. It also permits the specifications to be refreshed more frequently to recognize new or emerging technology.

Mr. Dickey said that the bus specifications have been updated and revised to include recent changes in equipment and technology and to provide clarification. The changes were developed in consultation with the Department's Specifications Committee, which is comprised of pupil transportation representatives from school divisions across the state. All of the recommended specifications comply with the safety requirements of the National Highway Traffic Safety Administration. They include a recommendation by the Specifications Committee to eliminate hydraulic disc brakes as an option on 65-passenger conventional buses due to safety and performance considerations.

Dr. Brewster made a motion to approve the school bus specifications. The motion was seconded by Dr. McLaughlin and carried unanimously.

***First Review of a Notice of Intended Regulatory Action (NOIRA) for Proposed Regulations Governing Unexcused Absences and Truancy***

Dr. Cynthia Cave, director, office of student services, presented this item. Dr. Cave said that Section 22.1-258 of the *Code of Virginia* addresses school attendance issues. It requires schools to make a reasonable effort to notify parents when a student fails to report to school. This section also requires each school division to create an attendance plan for any student with five unexcused absences and to schedule a conference with parents after the sixth unexcused absence. Dr. Cave said that regulations are being proposed to establish a uniform definition for "unexcused absence" and any concomitant policies, procedures, or reporting requirements.

Dr. Brewster made a motion to waive first review and authorize the VDOE staff to proceed with the requirements of the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously.

***Action/Discussion Items***

***First Review of Requests from Norfolk City School Board for a Rating of Conditionally Accredited for Lafayette-Winona Middle School and Northside Middle School***

Dr. Kathleen Smith, director, office of school improvement, division of student assessment and school improvement, presented this item. Dr. Smith said that once a school has failed to achieve a *Fully Accredited* status for four consecutive years based on its academic performance, as stated in 8 VAC 20-131-300.C, the school shall be rated *Accreditation Denied*. As an alternative to the memorandum of understanding required for schools rated *Accreditation Denied*, a local school board may choose to reconstitute the school and apply to the Board of Education for a rating of *Conditionally Accredited*. The application shall outline specific responses that address all areas of deficiency that resulted in the *Accreditation Denied* status.

Dr. Smith said that two Norfolk City schools that failed to achieve a status of *Fully Accredited* for the fourth consecutive year are requesting a rating of *Conditional Accreditation*. A history of the schools requesting a rating of *Conditionally Accredited* for the first year follows:

<b>Division</b>	<b>School Name</b>	<b>Subjects Warned in 2006</b>	<b>Subjects Warned in 2007</b>	<b>Subjects Warned in 2008</b>	<b>Subjects Warned in 2009</b>
Norfolk City Public Schools	Lafayette-Winona Middle School	Mathematics	Mathematics	Mathematics	History
Norfolk City Public Schools	Northside Middle School	Mathematics	Mathematics	Mathematics	History

Reconstitution efforts have changed the governance in the two schools. The chart below indicates the reconstitution processes that will be used by the schools to initiate a range of accountability actions to improve pupil performance.

<b>School Division</b>	<b>School Name</b>	<b>Governance</b>	<b>Staff</b>
Norfolk City Public Schools	Lafayette-Winona Middle School	Primary	Additional
Norfolk City Public Schools	Northside Middle School	Primary	Additional

The following are recommendations for each of the two schools requesting a rating of *Conditionally Accredited*:

1. The VDOE will appoint an auditor through the academic review process to monitor the implementation of the schools' reconstitution efforts monthly. Also, the VDOE will assign the VDOE history specialist to provide technical assistance to the division and schools throughout the year.
2. LEA staff assigned to work with the schools throughout the year will attend technical assistance provided by the VDOE regarding division support and the

division framework needed to restructure and support low-performing schools. In addition, school staff, including the principal, will attend similar technical assistance regarding rapid improvement leadership indicators and systems and processes that support increased student achievement. This technical assistance will be provided by the VFEL, ARCC, and the CII, and will be monitored by a monthly online reporting system.

3. The division and schools will submit the required data profile as specified by the VDOE at least quarterly. This report may be found at <http://www.doe.virginia.gov/VDOE/SchoolImprovement/>.
4. The division will adhere to any additional recommendations indicated in the Conditional Request and Recommendations form or by the auditor throughout the year and will comply with any reporting requirements requested (submission of Algebra Readiness Diagnostic Testing [ARDT] data on a regular basis, monthly reporting to the superintendent and Office of School Improvement). Specific recommendations for each school are as follows:

Division	School Name	Recommendations
Norfolk City Public Schools	Lafayette-Winona Middle School	Division staff, VDOE contractor, VDOE history content specialist, division staff, and school staff must participate in monthly meetings to discuss the progress in the school's implementation of the school improvement plan, addressing issues related to history instruction, and the alignment of state and local educational agency (LEA) resources.
Norfolk City Public Schools	Northside Middle School	Division staff, VDOE contractor, VDOE history content specialist, division staff, and school staff must participate in monthly meetings to discuss the progress in the school's implementation of the school improvement plan, addressing issues related to history instruction, and the alignment of state and LEA resources.

Dr. Ward made a motion to waive first review and approve the recommendations and rating of *Conditionally Accredited* for Lafayette-Winona Middle School and Northside Middle School as requested by Norfolk Public Schools. The motion was seconded by Mrs. Castro and carried unanimously.

**First Review of Requests for Continuation of the Rating of Conditionally Accredited from Norfolk City School Board and Richmond City School Board**

Dr. Smith also presented this item. Dr. Smith said that last year, thirteen schools were granted an accreditation rating of *Conditionally Accredited*. As indicated by preliminary data, seven of those schools will be *Fully Accredited*; three of those schools have been closed by their respective local school boards; and one of those schools will be denied accreditation. Two schools from two divisions are requesting a continued rating of *Conditionally Accredited* for the third consecutive year. These two schools are indicated below:

Division	School Name	Subjects Warned in 2006	Subjects Warned in 2007	Subjects Warned in 2008	Subjects Warned in 2009
Norfolk City	Lake Taylor Middle School	Mathematics	Mathematics	Mathematics	Mathematics
Richmond City	Thomas C. Boushall Middle School	English, Mathematics, History	English, Mathematics, History	English, Mathematics, History, Science	Mathematics, History

The chart below summarizes the primary and the additional justifications provided in September 2009 by the two school divisions for reconstitution efforts in the two schools.

School Division	School Name	Governance	Staff
Norfolk City	Lake Taylor Middle	Primary	Primary
Richmond City	Thomas C. Boushall Middle	Primary	Primary

At Lake Taylor Middle School, the entire mathematics instructional team has been staffed with teachers who are highly qualified to teach mathematics. The division has recruited master teachers from the division to work at Lake Taylor Middle School for the 2009-2010 year.

At both Lake Taylor Middle School and Thomas C. Boushall Middle School, there is a focus on adult actions for accountability from all levels of the organization.

Schools that were granted a rating of *Conditional Accreditation* and *Warned in Mathematics* in 2008-2009 were required to administer the Algebra Readiness Diagnostic Test (ARDT) to all sixth- and seventh-grade students throughout the year. The ARDT tracks the number of students who are on grade level. Pre- and post-test results for the schools requesting a third conditional rating as a result of being warned in mathematics for the third consecutive year are included below:

Lake Taylor Middle  
Number/percentage of 6<sup>th</sup>-grade students scoring at each grade level

Grade Level	Pre-Test		Post-Test	
	# of Students	% of Students	# of Students	% of Students
3	15	7%	5	3%
4	95	43%	79	41%
5	88	40%	65	34%
6	24	11%	43	22%
7	0	0%	0	0%
8	0	0%	0	0%
Total	222		192	

Lake Taylor Middle  
Number/percentage of 7<sup>th</sup>-grade students scoring at each grade level

Grade Level	Pre-Test		Post-Test	
	# of Students	% of Students	# of Students	% of Students
3	0	0%	0	0%
4	85	45%	65	41%
5	93	50%	69	43%
6	6	3%	11	7%
7	3	2%	14	9%
8	0	0%	0	0%
Total	187		159	

Thomas C. Boushall Middle  
Number/percentage of 6<sup>th</sup>-grade students scoring at each grade level

Grade Level	Pre-Test		Post-Test	
	# of Students	% of Students	# of Students	% of Students
3	2	2%	2	2%
4	51	45%	39	34%
5	44	39%	44	39%
6	17	15%	29	25%
7	0	0%	0	0%
8	0	0%	0	0%
Total	114		114	

Thomas C. Boushall Middle  
Number/percentage of 7<sup>th</sup>-grade students scoring at each grade level

Grade Level	Pre-Test		Post-Test	
	# of Students	% of Students	# of Students	% of Students
3	0	0%	0	0%
4	55	50%	40	36%
5	40	36%	46	41%
6	9	8%	12	11%
7	7	6%	13	12%
8	0	0%	0	0%
Total	111		111	

Dr. Ward made a motion to waive first review and approve the recommendations and ratings of *Conditionally Accredited* for Lake Taylor Middle School and Thomas C. Boushall Middle School as requested by the Norfolk City School Board and Richmond City School Board, respectively. The motion was seconded by Mrs. Castro and carried unanimously.

The following recommendations are for both schools requesting a continued rating of *Conditional Accreditation*:

1. The VDOE will appoint an auditor through the academic review process or the PASS program to monitor the implementation of the schools' reconstitution efforts monthly.

2. Local educational agency (LEA) staff assigned to work with the schools throughout the year will continue to attend technical assistance provided by the VDOE regarding division support and the division framework needed to restructure and support low-performing schools. In addition, school staff, including the principal, will attend similar technical assistance regarding rapid improvement leadership indicators and systems and processes that support increased student achievement. This technical assistance will be provided by the VFEL, ARCC, and CII and will be monitored by a monthly online reporting system.
3. If warned in mathematics in the middle school grades, the Algebra Readiness Diagnostic Test (ARDT) will be given to all sixth- and seventh-grade students throughout the year. The Office of School Improvement and the LEA representative will set a schedule for this testing based on recommendations from VDOE's mathematics specialist.
4. The divisions and schools will submit the required data profile as specified by the VDOE, at least quarterly.
5. The divisions will adhere to any additional recommendations indicated in the Conditional Request and Follow-up form or by the auditor throughout the year and will comply with any reporting requirements requested (submission of ARDT data on a regular monthly basis, reporting to the superintendent and Office of School Improvement). Specific recommendations for each school are as follows:

Division	School Name	Recommendations
Norfolk City Schools	Lake Taylor Middle School	Division staff, VDOE contractor, and school staff must participate in a monthly meeting to discuss the progress in the school's implementation of the school improvement plan, issues related to mathematics instruction, and the alignment of state and LEA resources. A VDOE mathematics specialist will be assigned to support the school's progress as requested by Norfolk City Schools.
Richmond City Schools	Thomas C. Boushall Middle School	A new auditor will be assigned to this school who will meet with a division-level representative and the principal at least monthly. The purpose of this meeting is to align division and school resources as well as discuss the implementation of the school's improvement plan.

**First Review of a Revised Memorandum of Understanding for Sussex County Public Schools to Include Compliance with the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) (8 VAC 20-131-315)**

Dr. Kathleen Smith presented this item. Dr. Smith said that in 2004, recognizing the need for technical assistance, the Sussex County Public Schools requested a division-level review and assistance from the Virginia Department of Education (VDOE). Sussex County Public Schools and the Virginia Board of Education (VBOE) signed an initial Memorandum of Understanding (MOU) detailing the review process on December 9, 2004.

Sussex Central Middle School was reconstituted for 2009-2010 to serve all students in the county in grades four through seven. For accountability purposes, the reconstituted middle school received the same school number as Annie B. Jackson Elementary School

which is now closed. The accreditation rating of *Accredited with Warning* for Sussex Central Middle School for the 2009-2010 school year is based on assessments provided in 2008-2009 for Annie B. Jackson Elementary School (school number 0020). The assessment data for 2008-2009 for Sussex Central Middle School (school number 0480), *Conditionally Accredited* in 2008-2009, indicates that the school did meet accreditation benchmarks.

Dr. Smith said that Section 8 VAC 20-131-315 of the SOA, adopted by the VBOE in September 2006, requires school divisions with *Accreditation Denied* schools to enter into a MOU with the VBOE and implement a corrective action plan to improve student achievement in the identified schools. Since Ellen W. Chambliss Elementary School is in denied status for 2009-2010 based on 2008-2009 assessments, a MOU is required.

An auditor will be assigned to Ellen W. Chambliss Elementary School. The auditor will provide a monthly report to the Office of School Improvement regarding the implementation of the mathematics and reading programs in grades K-7. The principal at Sussex Central Middle School has asked that the Partnership for Achieving Successful Schools (PASS) coach return this year to help implement the reconstitution plan to incorporate grades four through seven.

Dr. Ward made a motion to waive first review and accept the MOU. The motion was seconded by Dr. McLaughlin and carried unanimously.

**First Review of a Report on the Investigation of a Testing Irregularity and Resulting Non-compliance with 8 VAC 20-131-30 of the Standards for Accrediting Schools at A.P. Hill Elementary School in Petersburg City for the 2008-2009 School Year**

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that on June 4, 2009, Virginia Department of Education (VDOE) staff received a report of possible Standards of Learning (SOL) testing irregularities at A. P. Hill Elementary School in Petersburg, Virginia during the spring 2009 test administration. The report alleged that 8 to 12 students at A. P. Hill Elementary School who were potentially at risk of failing the SOL tests were removed from the testing environment by the principal and did not participate in one or more of their grade level SOL assessments. The report also alleged that concerns about testing procedures at this school had been reported to the Petersburg City Public Schools and that no action had been taken.

Based on its authority under the *Code of Virginia*, § 22.1-253.13:3 D, the Virginia Department of Education (VDOE) staff initiated an investigation to determine the validity of the allegations at A.P. Hill Elementary. The report prepared by VDOE staff concluded that at least twelve students at A. P. Hill Elementary School did not take one or more SOL tests, but according to attendance records, should have had time to take these tests either in a regular testing session or make-up testing session. The report further determined that there was no evidence that central office staff was involved in the testing irregularity.

The report describing the investigation of the testing irregularity was provided to Dr. James Victory, superintendent of Petersburg City Schools and Mr. Kenneth Pritchett on July

22, 2009. The report required Petersburg City Schools to submit a corrective action plan within 30 days. Petersburg has submitted its corrective action plan.

Petersburg City Public Schools has been in division level review status since 2004 and has reported to the Virginia Board of Education regularly on the status of implementing its corrective action plan and the terms of its Memorandum of Understanding.

The existing accreditation procedures exclude students who were not tested from the calculations. However, to assist the board in determining the appropriate actions regarding the accreditation ratings for A.P. Hill, the board was presented with 1) pass rates and accreditation ratings calculated using the existing procedure in which these students were not counted and 2) pass rates and accreditation ratings calculated with these students counted as failing.

Dr. Ward made a motion to waive first review and award full accreditation to A. P. Hill Elementary for this school year. The motion was seconded by Mr. Johnson and carried unanimously.

**Final Review of Proposed Guidelines for an Academic and Career Plan as Required in Section 8 VAC 20-131-140 of the Regulations Establishing Standards for Accrediting Public Schools in Virginia**

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that at its July 2009 meeting, the Board of Education accepted for first review the proposed *Guidelines for the Academic and Career Plan*. The guidelines were developed in response to a requirement in the 2009 *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-5 et seq.) (Standards of Accreditation or SOA) that a personal Academic and Career Plan be developed for each seventh-grade student beginning with the 2010-2011 school year.

Mr. Krupicka made a motion to adopt the *Guidelines for the Academic and Career Plan*. The motion was seconded by Mrs. Castro and carried unanimously. School divisions that did not have personal academic and career plans for students in grades 7 through 12 in effect by June 30, 2009, will need to begin developing and implementing such plans for seventh-grade students by the beginning of the 2010-2011 academic year.

The Guidelines for an Academic and Career Plan follows:

**Guidelines for Academic and Career Plans**

Introduction

The Board of Education included in its 2009 revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, (8 VAC-20-131-5 et seq) provisions for each middle and high school student to have a personal learning plan that aligns academic and career goals with the student's course of study. On February 19, 2009, the Board adopted the revised Regulations, also known as the *Standards of Accreditation* [<http://www.doe.virginia.gov/VDOE/Accountability/soafulltxt.pdf>]. The section pertaining to Academic and Career Plans reads:

*8 VAC 20-131-140: College and career preparation programs and opportunities for postsecondary credit.*

Beginning with the 2010-2011 academic year, all schools shall begin development of a personal Academic and Career Plan for each seventh-grade student with completion by the fall of the student's eighth-grade year. Students who transfer from other than a Virginia public school into the eighth-grade shall have the Plan developed as soon as practicable following enrollment. Beginning with the 2011-2012 academic year, students who transfer into a Virginia public school after their eighth-grade year shall have an Academic and Career Plan developed upon enrollment. The components of the Plan shall include, but not be limited to, the student's program of study for high school graduation and a postsecondary career pathway based on the student's academic and career interests. The Academic and Career Plan shall be developed in accordance with guidelines established by the Board of Education and signed by the student, student's parent or guardian, and school official(s) designated by the principal. The Plan shall be included in the student's record and shall be reviewed and updated, if necessary, before the student enters the ninth and eleventh grades. The school shall have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the Plan. Any personal academic and career plans prescribed by local school boards for students in grades 7-12 and in effect as of June 30, 2009, are approved to continue without further action by the Board.

Purpose of Academic and Career Plans

The Academic and Career Plan is designed to be a working document that maximizes student achievement by having the student accomplish goals in middle and high school that lead to postsecondary and career readiness. The Plan should be student-driven and maintained by school professionals working cooperatively to assist the student in reaching his or her goals in the most logical academic and career path.

The Academic and Career Plan should start with the end in mind. The student, parent or guardian, and school professional(s) will create a plan agreed upon by all parties to ensure everyone is focused on working toward the same goals and analyze and adjust the Plan in response to new information to meet the needs of the student.

Academic and Career Plan Timeline

Beginning with the 2010-2011 academic year, all schools shall begin development of a personal Academic and Career Plan for each seventh-grade student, with completion by the fall of the student's eighth-grade year.

Students who transfer from other than a Virginia public school into the eighth grade shall have the Plan developed as soon as practicable following enrollment. Beginning with the 2011-2012 academic year, students who transfer into a Virginia public school after their eighth-grade year shall have an Academic and Career Plan developed upon enrollment.

The Academic and Career Plan shall be signed by the student, student's parent or guardian, and school official(s) designated by the principal. The Plan will be included in the student's record and must be reviewed and updated, if necessary, before the student enters the ninth and eleventh grades. The schedule for revising the Plan may be determined by the school division. The school shall have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the Plan.

Academic and Career Plan Template

The format of the Academic and Career Plan is flexible. Any personal academic and career plans prescribed by local school boards for students in grades 7-12 and in effect as of June 30, 2009, are approved to continue without further action by the Board.

A technical assistance document will be developed by the Virginia Department of Education to include a model Academic and Career Plan template that can be adapted for use by school officials working with students in academic and career preparation.

### Academic and Career Plan Components

Required components of the Academic and Career Plan shall include, but not be limited to:

- The student's program of study for high school graduation that is aligned with a postsecondary career pathway and/or college entrance;
- A postsecondary career pathway based on the student's academic and career interests; and
- A signature from the student, student's parent or guardian, and school official(s) designated by the principal.

### **First Review of the 2008-2009 Annual Report on Public Charter Schools in the Commonwealth of Virginia**

Mrs. Diane Jay, associate director, office of program administration and accountability, presented this item. Mrs. Jay said that Section 22.1-212.11 of the *Code of Virginia*, as amended, requires local school boards to report the number of public charter school applications that they approved and denied to the Virginia Board of Education on an annual basis. Section 22.1-212.15 requires local school boards to submit annual evaluations of any public charter school to the Virginia Board of Education. The legislation stipulates that the Board report its findings annually to the Governor and the General Assembly by October 15. Mrs. Jay's report included the following:

#### Schools

Four charter schools operated in Virginia in 2008-2009. As of June 2009, the total enrollment for the four charter schools was 256 students.

#### Staff

The four schools reported a total of 43.9 staff members including principals, teachers, paraprofessionals, and guidance counselors. The average student-to-teacher ratio was 10 students per teacher.

#### Progress in Achieving Goals

Progress as reported in terms of academic status, average daily attendance, and decreased dropout rates varies from year-to-year and among the schools. Murray High School and York River Academy achieved Adequate Yearly Progress (AYP) performance targets under the *No Child Left Behind Act of 2001* (NCLB) for the 2009-2010 school year based on data from 2008-2009. Hampton Harbour Academy did not achieve AYP performance targets for 2008-2009 and will not operate as a school for 2009-2010. Murray High School and York River Academy have been fully accredited since 2004-2005. Hampton Harbour Academy was conditionally accredited for the 2007-2008 and the 2008-2009 school years. In 2006-2007, the school status was "Accreditation Withheld/Improving School Nearing Accreditation." For 2004-2005 and 2005-2006, the school was accredited with warning.

#### Average Daily Attendance and Dropout Rates

The overall average daily attendance rate in the charter schools has improved slightly during the last several years and is presently at 90.8 percent. The state rate for 2008-2009 for all schools was 95 percent. Dropout rates in the public charter schools have historically been higher than comparable rates for the divisions in which they are chartered; however, during the past several years, dropout rates in the charter schools have been comparable to the school divisions in which they were chartered. In 2007-2008, the dropout rate for charter schools was 1.3 percent; the state dropout rate was 1.89 percent. Official dropout rates for 2008-2009 will be available from the Virginia Department of Education after October 1, 2009.

#### Comparison of Student Performance

The performance of pupils in charter schools as compared to students in other schools is reported in Adequate Yearly Progress (AYP) and Accreditation status. The schools self-reported that the students in the charter schools are generally performing better than if they had remained in a traditional school.

#### Impact on the Community

All of the schools reported programs to achieve parental and community involvement. The perceptions of the schools, community awards, other forms of recognition, and parental surveys suggest success in these efforts. Survey results suggest that the small size, individualized instruction, and innovative approaches to education found in these schools have had a positive impact on the communities they serve.

#### The Code of Virginia and Charter Schools

The Virginia General Assembly passed House Bill 2311, Public Charter School Fund, during the 2006-2007 session that amended the *Code of Virginia* by adding a section numbered 22.1-212.5:1, establishing a public charter school fund. To date, no gifts, grants, bequests, or donations have been received in the fund for disbursement.

The Virginia General Assembly's most recent change to the charter school law was in 2009, and the change was to remove the limit on the number of public charter schools that could be established in a school division.

#### Growth of Charter Schools in Virginia

Since the initial state legislation for charter schools was passed in 1998, ten charter schools in nine school divisions have been approved. During the 2008-2009 school year, four schools operated. One of these four charter schools will close in 2009-2010. A fifth charter school received contract approval from its board during 2008-2009 and will open to students in 2010-2011. Information collected from division superintendents revealed that one charter school application was denied in 2008-2009.

Mrs. Saslaw made a motion to waive first review and approve the 2008-2009 Annual Report on Charter Schools in Virginia pursuant to §22.1-212.15, *Code of Virginia*. Additionally, the Superintendent requested the authority to make technical edits to include updating the report to reflect the current accreditation ratings of the schools prior to submitting the report to the Governor and General Assembly. The motion was seconded by Dr. Brewster and carried unanimously.

#### **First Review of Proposed Revisions to the Standards of Quality**

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the 2009 General Assembly added language in Item 140 of the Appropriation Act that says: "The Board of Education shall review the current Standards of Quality to evaluate the appropriateness of the existing staffing standards for instructional positions and the appropriateness of establishing ratio standards for support positions, with the objective of maximizing resources devoted to the instructional program. The findings of this review, its associated costs, and its final recommendations for rebenchmarking shall be submitted to the Governor, the Chairmen of House Appropriations and Senate Finance Committees and the Joint Subcommittee on Elementary and Secondary Education Funding established pursuant to Item 1, paragraph H. of this Act no later than November 1, 2009."

Mrs. Westcott presented for discussion possible action items intended to maintain quality standards for public education, recognizing when revenues are limited divisions will need greater flexibility in allocating funds to meet the specific needs of diverse student populations. The options for consideration also pull into the SOQ certain educational programs that are essential to a quality education and in the Appropriation Act only. Also discussed were potential policy directives for further action in 2010. These considerations

suggest key issues where the Board may want to authorize further study, with a report next year pending the availability of resources.

During the discussion, Mrs. Saslaw proposed an amendment to insert two additional policy directions after Bullet #2. Following are the proposed policy directions with amendments:

- Enhance the Standards of Quality so that the Commonwealth's basic foundation program for K-12 public education reflects a comprehensive educational program of the highest quality.
- Provide clarity and greater transparency in SOQ funding with the goal of maintaining the Commonwealth's commitment to public education funding at the state and local levels and encouraging a continued emphasis on school-based instructional services. Provide greater flexibility to school divisions in using non-instructional personnel funding for instructional support services.
- Support the appropriateness of establishing ratio standards for individual categories of "support service" positions as is the current practice used for instructional personnel.
- Advocate against permanent structural changes to the Standards of Quality that result in decreased funding for K-12 public education.
- Begin building a more comprehensive basic foundation program by including in the SOQ gifted, special education, and career and technical staffing ratios and certain incentive programs that have become core components of K-12 educational programs statewide and currently funded in the appropriations act.
- Set priorities for the Board's unfunded SOQ recommendations from previous years so that these instructional staffing standards can be fully implemented in future years.
- Begin to address the Board's school leadership priorities of requiring a principal in every school and increasing the number of assistant principals in schools with the greatest need.
- Mitigate the perverse incentive of reducing a school division's special education funding when it mainstreams students with disabilities into general education classrooms or uses response to intervention (RTI) and/or other instructional supports to reduce the number of students identified as needing special education services.
- Provide additional policy guidance and direction to school divisions offering alternative or non-traditional educational programs, such as the Individual Student Alternative Education Program (ISAEP).

Dr. Ward made a motion to accept the proposal with amendments for first review. The motion was seconded by Mrs. Castro and carried unanimously. The Board will hold four public hearings on September 30 and will receive public comment through October 4. Following the public comment period, final review and approval will be requested at the October 22<sup>nd</sup> Board meeting.

**Adult Education Annual Performance Report**

Ms. Elizabeth Hawa, director of the office of adult education and literacy, presented this item. Ms. Hawa's report included the following:

**CHARACTERISTICS OF THE ADULT EDUCATION POPULATION**

<b>Demographic Indicator</b>	<b>Description</b>
Total Enrollment	Virginia's total enrollment (30,940) is comprised of: 36.7 percent Adult Basic Education (ABE); 14.8 percent Adult Secondary Education (ASE); and 48.5 percent English for Speakers of Other Languages (ESOL) students.
Ethnicity	Virginia's adult student ethnic composition includes: 34.7 percent (10,747) Hispanic; 27.1 percent (8,395) Caucasian; 27.1 percent (8,394) African-American; 10.5 percent (3,256) Asian; .3 percent (107) American Indian/Alaskan Native; and .1 percent (41) Native Hawaiian or Other Pacific Islander. <i>Limitations of rounding prevent the total percentage from equaling 100 percent.</i>
Age	Six-point-nine percent of Virginia's adult student enrollment (2,146) is 16-18; 22.4 percent (6,916) is 19-24; 51.1 percent (15,800) is 25-44 years of age; 16.2 percent (5,026) is 45-59; and three-point-four percent (1,052) is 60 or older.
Gender	Fifty-seven percent (17,659) of Virginia's adult student enrollment is female and 43 percent (13,281) is male.
Employment Status	Virginia's adult students reflect the following employment status: 16,181 are employed; 14,759 are unemployed; 2,804 are in a correctional setting; 74 are in another institutional setting; and 1,189 are on public assistance.
Annual Average Hours of Attendance	Average hours of attendance for students enrolled: ABE, 64; ASE, 43; and ESOL, 71. The overall average is 69 hours.

**PROGRAM PERFORMANCE SUMMARY**

<b>Areas of Accomplishment</b>	<b>Performance Highlights</b>
Educational Gains	Thirteen thousand two-hundred ninety-five (13,295) students, or 43 percent, completed their educational functioning levels, and another 6,168, or 20 percent, completed their levels and advanced one or more levels.
Performance Targets	Virginia programs exceeded target performance levels in three out of eleven educational functioning levels: ASE Low; ESOL Beginning Low; and ESOL Beginning High. The eight levels where Virginia did not meet targets in performance were: ABE Beginning Literacy; ABE Beginning Basic; ABE Intermediate Low; ABE Intermediate High; ESOL Beginning Literacy; ESOL Intermediate Low; ESOL Intermediate High; and ESOL Advanced.
GED Completers	Statewide, 15,772 adult students earned their GED <sup>®</sup> credentials.
GED Credentials	Ninety-five percent of students exiting GED credential programs attained their GED credentials.
External Diploma Credentials	Eighty-one percent of students exiting the External Diploma Program attained their External Diplomas.
High School Diploma Credentials	Ninety-one percent of students exiting adult high school diploma programs attained their adult high school diplomas.

**ADULT BASIC EDUCATION (ABE)**

<b>Educational Functioning Level</b>	<b>Performance Highlights</b>
ABE Beginning Literacy	Forty-seven percent of enrolled students in ABE Beginning Literacy completed their educational functioning level. Virginia's target performance level was 48 percent. Thirty-nine percent of students were unavailable to complete a post-test.
ABE Beginning Basic Education	Forty-five percent of enrolled students in ABE Beginning Basic Education completed their educational functioning level. Virginia's target performance level was 50 percent. Forty-one percent of students were unavailable to complete a post-test.
ABE Intermediate Low	Forty-five percent of enrolled students in ABE Intermediate Low completed their educational functioning level. Virginia's target performance level was 50 percent. Forty-four percent of students

Educational Functioning Level	Performance Highlights
	were unavailable to complete a post-test.
ABE Intermediate High	Thirty-eight percent of enrolled students in ABE Intermediate High completed their educational functioning level. Virginia's target performance level was 40 percent. Demonstrating educational gains for this group has become more challenging with the increased desire of students to take the GED Tests. Many of these students were not present for the administration of a post-test as demonstrated by 47 percent of students not completing a post-test.

**ADULT SECONDARY EDUCATION (ASE)**

Educational Functioning Level	Performance Highlight
ASE Low	Thirty-eight percent of enrolled students in ASE Low completed their educational functioning level, exceeding the 36 percent target performance level by two percentage points.

**ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL)**

Educational Functioning Level	Performance Highlights
ESOL Beginning Literacy	Thirty-six percent of enrolled students in ESOL Beginning Literacy completed their educational functioning level. Virginia's target performance level was 41 percent. This functioning level experienced a 20 percent drop in enrollment from the previous year. Forty-five percent of students were unavailable to complete a post-test.
ESOL Low Beginning	Forty-six percent of enrolled students in ESOL Low Beginning completed their educational functioning level, exceeding the 40 percent target performance level by six percentage points.
ESOL High Beginning	Forty-seven percent of enrolled students in ESOL High Beginning completed their educational functioning level, exceeding the 40 percent target performance level by seven percentage points.
ESOL Intermediate Low†	Forty-three percent of enrolled students in ESOL Intermediate Low completed their educational functioning level. Virginia's target performance level was 50 percent. Thirty-six percent of students were unavailable to complete a post-test.
ESOL Intermediate High†	Forty-four percent of enrolled students in ESOL Intermediate High completed their educational functioning level. Virginia's target performance level was 51 percent. Thirty-three percent of students were unavailable to complete a post-test.
ESOL Advanced	Twenty-eight percent of enrolled students in ESOL Advanced completed their educational functioning level. Virginia's target performance level was 32 percent. Demonstrating educational gains for this group is a significant challenge because many of these adults are better educated, seeking employment, or working multiple jobs. Transition options for students into adult basic education instructional programs are being developed locally around the state.

**FOLLOW-UP OUTCOME MEASURES**

Follow-up Measure	Performance Highlights
Obtain a GED® or Secondary School Credential	Ninety-two percent of students with a goal of obtaining a GED or secondary school credential reached their goal within one quarter after leaving class, exceeding the 89 percent target level by three percentage points.
Enter Employment	Fifty-four percent of students with a goal to enter employment reached their goal within one quarter after leaving class, exceeding the 36 percent target level by 18 percentage points.
Retain Employment	Sixty-seven percent of students with a goal to retain employment reached their goal within three quarters after leaving class, exceeding the 53 percent target by 14 percentage points.
Enter Postsecondary Education or Training	Forty-three percent of students with a goal to enter postsecondary education or training reached their goal within one quarter after leaving class, exceeding the 33 percent target by 10 percentage points.

Dr. Ward made a motion to waive first review and approve the Annual Performance Report on Adult Education and Literacy Report pursuant to Section 22.1-226 in the *Code of Virginia*. The motion was seconded by Mr. Moore and carried unanimously. Following the

Board's approval, the report will be transmitted to the Governor and the General Assembly as required by the *Code of Virginia*.

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

Dr. Wright shared with the Board topics discussed at the U. S. Department of Education meeting which included information on the "Race to the Top" program. Dr. Wright summarized the major components of the program.

#### **Dinner Session**

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Dr. Emblidge, Dr. Brewster, Mrs. Castro, Mr. Johnson, Mr. Krupicka, Dr. McLaughlin, Mr. Moore, Mrs. Saslaw and Dr. Ward. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

### ***ADJOURNMENT***

There being no further business of the Board of Education and Board of Career and Technical Education, Dr. Emblidge adjourned the meeting at 11:40 a.m.

### ***PUBLIC HEARING***

#### ***Public Hearing on the Proposed Economics and Personal Finance Standards of Learning***

No one signed up to speak at the public hearing.

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President