

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 18, 2010

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:

Mrs. Eleanor B. Saslaw, President
Dr. Ella P. Ward, Vice President
Mrs. Betsy D. Beamer
Dr. Billy K. Cannaday, Jr.
Mrs. Isis M. Castro

Mr. David M. Foster
Mr. David L. Johnson
Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin

Dr. Patricia I. Wright, Superintendent of
Public Instruction

Mrs. Saslaw called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mrs. Saslaw asked for a moment of silence, and Mrs. Castro led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Johnson made a motion to approve the minutes of the February 25, 2010, meeting of the Board. The motion was seconded by Dr. Ward and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

***THE HONORABLE GERARD ROBINSON, SECRETARY OF EDUCATION,
COMMONWEALTH OF VIRGINIA***

Mr. Robinson said that he was happy to be back in Virginia. During the 1998-99 legislative session, he worked on the staff of Delegate Mary Christian from Hampton. Mr. Robinson said that he was glad to be in this position for the following reasons: (1) he welcomes the opportunity to serve the Commonwealth, its families and children; (2) he has seen the importance of the Board of Education from his experience in working in eleven cities; and (3) Virginia has great public schools and he is happy to be here to support them. Mr. Robinson said that he looks forward to getting to know the Board both on a personal and professional basis. He thanked the Board for letting him be of service to the Commonwealth of Virginia.

On behalf of the Board Mrs. Saslaw thanked Mr. Robinson and said the Board looks forward to working with him.

RESOLUTIONS/RECOGNITIONS

A Resolution of Recognition was presented to the following Virginia Recipients of the 2009 Milken Family Foundation National Educators Awards:

- Ann Lam Wong, biology teacher, West Springfield High School, Fairfax County Public Schools
- Sharon A. Dravvorn, mathematics teacher, Woodbridge Senior High School, Prince William County Public Schools

A Resolution of Recognition was presented to the following school divisions receiving the SACS/CASI District Accreditation:

- Carroll County Public Schools
- Spotsylvania County Public Schools

A Resolution of Recognition was presented to the 2010 Distinguished Title I School Division:

- Lexington City Public Schools.

PUBLIC COMMENT

The following persons spoke during public comment:

Dr. Steven King
Suzanne Mallory-Parker
Dr. Katheryn Murphy-Judy
Suzanne Gallagher

ACTION/DISCUSSION ITEMS

Final Review of the Proposed Consolidated Regulations Governing Local School Boards and School Divisions (8 VAC 20-720-10 et seq.)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that this proposal is to amend and reenact 13 out-of-date regulations into one concise regulation and in doing so, updating them. The purpose of this proposal is to consolidate them in such a way that school divisions will be able to access and implement them more effectively and efficiently for the management of the public schools in Virginia, thus better serving the students and their families.

The regulations to be consolidated are as follows:

8 VAC 20-150-10 et seq.	<i>Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia</i>
8 VAC 20-180-10	<i>Regulations Governing School Community Programs</i>
8 VAC 20-210-10	<i>Classification of Expenditures</i>
8 VAC 20-240-10 et seq.	<i>Regulations Governing School Activity Funds</i>
8 VAC 20-250-10	<i>Regulations Governing Testing Sight and Hearing of Pupils</i>
8 VAC 20-310-10	<i>Rules Governing Instruction Concerning Drugs and Substance Abuse</i>
8 VAC 20-320-10	<i>Regulations Governing Physical and Health Education</i>
8 VAC 20-390-10 et seq.	<i>Rules Governing Division Superintendent of Schools</i>
8 VAC 20-410-10	<i>Rules Governing Allowable Credit for Teaching Experience</i>
8 VAC 20-420-10	<i>Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards</i>
8 VAC 20-460-10 et seq.	<i>Regulations Governing Sick Leave Plan for Teachers</i>
8 VAC 20-490-10 et seq.	<i>Regulations Governing School Boards Local</i>
8 VAC 20-565-10 et seq.	<i>Regulations for the Protection of Students as Participants in Human Research</i>

There are several revisions recommended to the proposed regulations:

- In the definitions section, 8 VAC 20-720-10, the definitions of “instructional materials,” “instructional personnel,” and “teacher” would be deleted for clarity.
 - ✓ The definition of “instructional materials” is more appropriately found in the regulations governing textbooks and instructional materials, which are being revised in separate Board actions.
 - ✓ The definition of “instructional personnel” is not found elsewhere in these regulations.
 - ✓ The definition of “teacher” could be misunderstood in light of the Board’s work on the Standards of Quality in defining instructional and support services positions.
- A new section would be added, 8 VAC 20-720-180, to permit the Board to waive any provision of these regulations upon the request of the division superintendent and the chairman of the local school board, unless the provisions are otherwise required by state or federal law or federal regulations. In view of the budget reductions school divisions are facing, permitting the waiver of regulations could serve to reduce the administrative burden on school divisions.

Dr. Ward made a motion to adopt the *Regulations Governing Local School Boards and School Divisions* and authorize the Department of Education staff to proceed with the

requirements of the Administrative Process Act. The motion was seconded by Mrs. Castro and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Grant the Professional Education Program at Virginia Wesleyan College Accreditation through the Board of Education Approved Process

Mrs. Patty Pitts, assistant superintendent, division of teacher education and licensure, presented this item. Mrs. Pitts said that Virginia Wesleyan College requested accreditation through the Board of Education approved process. An on-site visit to review the program was conducted on April 26-29, 2009. The overall recommendation of the on-site review team was that the professional education program be “accredited with stipulations.” Below are the recommendations for each of the four standards:

STANDARD	TEAM’S RECOMMENDATION
Standard 1: Program Design	Met
Standard 2: Candidate Performance on Competencies for Endorsement Areas	Met Minimally with Significant Weaknesses
Standard 3: Faculty in Professional Education Programs	Met Minimally with Significant Weaknesses
Standard 4: Governance and Capacity	Met

On January 25, 2010, the Advisory Board on Teacher Education and Licensure voted to recommend that the Board of Education accept the recommendation of the on-site accreditation review team that the professional education program at Virginia Wesleyan College be “accredited with stipulations.” Within a two-year period, the professional education program must fully meet standards set forth in the *Regulations Governing Review and Approval of Education Programs in Virginia*.

Dr. Ward made a motion to approve the Advisory Board on Teacher Education and Licensure’s recommendation to accept the recommendation of the on-site accreditation review team that the professional education program at Virginia Wesleyan College be “accredited with stipulations.” Within a two-year period, the professional education program must fully meet standards stipulated in the *Regulations Governing the Review and Approval of Education Programs in Virginia*. The motion was seconded by Mrs. Beamer and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve an Option to Meet the Praxis I Reading and Writing Test for Entry into an Approved Preparation Program

Mrs. Pitts also presented this item. Mrs. Pitts said that on January 25, 2010, the Advisory Board on Teacher Education and Licensure voted to recommend that the Board of Education allow the use of the Virginia Communication and Literacy Assessment (VCLA)

as an optional test for the Praxis I Reading and Writing tests for individuals seeking entry into teacher education programs. The cut scores for the VCLA prescribed by the Board of Education are as follows:

Writing Sub Test:	235
Reading Sub Test:	235
Composite Score:	470

An individual choosing to use the VCLA (Reading and Writing) as an optional assessment for the Praxis I Reading and Writing tests will be required to meet the Praxis I Mathematics assessment (or equivalent SAT® or ACT® test scores).

Dr. Ward made a motion to accept the recommendation of the Advisory Board on Teacher Education and Licensure to approve the Virginia Communication and Literacy Assessment (Reading and Writing) as an optional test for the Praxis I Reading and Writing tests for entry into a teacher preparation program. The motion was seconded by Mrs. Castro and carried unanimously.

First Review of Proposed Economics and Personal Finance Standards of Learning Curriculum Framework

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that on November 17, 2009, the Board adopted the *Economics and Personal Finance Standards of Learning*. A review committee consisting of recommended individuals solicited from school divisions and economics and finance experts developed a proposed *Economics and Personal Finance Curriculum Framework*.

In developing the proposed Economics and Personal Finance Curriculum Framework, the members of the review team first reviewed the concepts approved in previous documents related to economics and financial literacy, information included in the economics strand of the *History and Social Science Standards of Learning*, and the competencies required for students to complete career and technical education courses in accounting and finance.

The resulting Curriculum Framework addresses concepts and principles that are important to economics at the macro level, but also direct attention to understanding and skills that students need to be knowledgeable consumers in many areas of daily life, such as further education, career preparation, major purchases, credit and debt, and savings and investments. The proposed Curriculum Framework aims to provide enough direction to ensure that students are exposed to the many aspects of informed decision making they will need for future success, and to serve as a foundation for continued study of economics and finance.

Dr. Cannaday made a motion to accept for first review the proposed Curriculum Framework for the 2010 *Economics and Personal Finance Standards of Learning*. The motion was seconded by Mr. Johnson and carried unanimously.

First Review of Process for State Adoption of Textbooks and Instructional Materials for K-12 Mathematics

Mr. Michael Bolling, mathematics coordinator, presented this item. Mr. Bolling said that in 1991, the Board of Education adopted a resolution delegating its authority for textbook adoption to the superintendent of public instruction. Since the 1995 revisions to the *Standards of Learning*, the Department of Education has worked with state committees to review and evaluate publisher's textbook submissions, primarily with respect to *Standards of Learning* (SOL) correlation. Following each review, the Department provides for Board review a list of the instructional materials submitted and a profile of each submission that includes the degree of *Standards of Learning* correlation. Once approved by the Board, the list is provided to school divisions.

In continuing the review cycle, the *Mathematics Standards of Learning* were revised in 2001, followed by revisions to the *Mathematics Curriculum Framework* in 2002. On January 12, 2005, the Board of Education approved the current list of state-adopted mathematics textbooks and instructional materials.

The Board's 2007-2012 Comprehensive Plan indicated as priorities during that period revisions to the standards and curriculum frameworks, as well as review of textbooks. On January 10, 2008, the Board approved a schedule to continue this work through 2015. As such, the *Mathematics Standards of Learning* were revised in 2009, followed by revisions to the *Mathematics Curriculum Framework* in the same year.

Dr. Ward made a motion to waive first review and grant approval for the Department of Education to proceed with the adoption of K-12 mathematics textbooks and instructional materials. The motion was seconded by Dr. McLaughlin and carried unanimously.

Final Review of State Adoption of Textbooks and Instructional Materials for K-12 History and Social Science

Dr. Beverly Thurston, history and social science international education and textbook coordinator, presented this item. Dr. Thurston said that at its meeting on March 27, 2002, the Board of Education adopted a resolution to approve textbooks and instructional materials in accordance with the *Constitution of Virginia*, Art. VIII 5(d). This action indicated that beginning with future adoptions, the Department of Education would recommend and the Board of Education would adopt an approved list of basal textbooks and instructional materials for subjects being reviewed.

Dr. Thurston said that local school boards may adopt textbooks that are not on the Board-approved list. In accordance with the *Code of Virginia*, §22.1-238, any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.

In June 2009, committees of Virginia educators received history and social science textbook samples along with K-12 *History and Social Science Standards of Learning* textbook correlations from publishers. Members of these committees conducted individual analyses of the materials prior to meeting with the full committee. In July 2009, the committees convened in Richmond to reach consensus on their reviews of the submitted materials. The consensus evaluations were shared with publishers, and publishers were given an opportunity to respond to the committees' reviews and recommendations. Requests by publishers for reconsideration were examined carefully prior to the list being submitted to the Board of Education for first review.

Two textbooks by the Wright Group/McGraw-Hill, a division of the McGraw-Hill Companies, Inc., were not recommended as being adequately aligned with the *History and Social Science Standards of Learning* for two courses, United States History to 1865 and United States History: 1865 to the Present. The textbooks are *American History 1 Before 1865* and *American History 2 After 1865*.

Dr. Ward made a motion to accept for final review and approve the list of textbooks and instructional materials recommended for state adoption. The motion was seconded by Mrs. Castro and carried unanimously.

Statewide Performance Report for Career and Technical Education and the Virginia Community College System, as a Sub-recipient of Perkins Funds from the Department of Education

Ms. Elizabeth Russell, director of career and technical education, and Mrs. Elizabeth Creamer, director of postsecondary Perkins-Tech Prep., Virginia Community College System, presented this item.

Ms. Russell's report included the following:

The Board of Education approved the Virginia System of Performance Standards and Measures as part of the 2008-2013 Five-Year State Plan for Career and Technical Education (CTE). The federal Perkins Act requires that the results on the negotiated state-adjusted levels of performance for both secondary and postsecondary CTE be communicated to the Board and other audiences. Each school division and the Virginia Community College System receive an annual report of performance. All secondary performance standards were met or exceeded by the Virginia Department of Education. The Virginia Community College System met or exceeded all of their performance standards.

The Virginia system addresses performance on:

- academic achievement;
- technical competence;
- nontraditional career preparation;
- completion of program; and
- graduation and successful transition to careers and/or further education.

The CTE Annual Performance Report provides results for each of these. All results will be provided to each locality in a comprehensive individual Data Analysis Report.

Highlights for Career and Technical Education for 2008-2009

- 21,656 students obtained the Career and Technical Education Seal
- 1,406 students obtained the Advanced Mathematics and Technology Seal
- 45.01% of CTE completers attained an Advanced Studies Diploma
- 19,842 CTE students have earned industry credentials, state licensures, or National Occupational Competency Testing Institute (NOCTI) assessments
- 2,627 CTE teachers have earned industry credentialing
- 9,246 CTE students participated in the Cooperative Education Program (CO-OP)
 - ✓ 8,575 employers employed CTE students under the CO-OP program
 - ✓ \$39,091,207.64 total wages earned by our CO-OP students
- 45.15% of CTE completers attend post secondary education
- 16.63% of CTE completers have transitioned to full-time employment
- 26.83% of CTE completers have transitioned to employment and postsecondary education
- 3.50% of CTE completers have transitioned to the military
- 2.02% of CTE completers have transitioned to a full-time equivalency of part-time combinations of transition indicators

Mrs. Creamer's report included the following:

In 2008-2009, the VCCS met or exceeded all of the Perkins performance targets (Completion, Retention and Transfer, Employment, Nontraditional Gender Representation and Nontraditional Completion). Results by measures are provided in the table below. The remaining document provides definitions for how the measures are calculated for postsecondary education and how colleges performed in 2008-2009.

Performance Measure	2008-09	Target	90% of Target	Result
1P1: Technical Skills Attainment	75.2	60.5	54.5	Exceeded Target
2P1: Completion	38.4	36.0	32.4	Exceeded Target
3P1: Retention and Transfer	68.0	46.0	41.4	Exceeded Target
4P1: Employment	70.8	70.0	63.0	Exceeded Target
5P1: Nontraditional Gender Representation	18.0	18.5	16.7	Met Target at 90% Threshold
5P2: Nontraditional Gender Completion	15.4	14.0	12.6	Exceeded Target

Mrs. Castro made a motion to accept the report as presented, maintain as a part of the Board of Education's meeting records, and communicate to audiences as required by the Perkins legislation. The motion was seconded by Dr. Ward and carried unanimously.

Report on the 2010-2012 Biennial Budget Adopted by the 2010 General Assembly

Mr. Kent Dickey, assistant superintendent for finance, presented this item. Mr. Dickey's report included the following:

Overview

- Budget actions of the 2010 General Assembly were based off of HB/SB 30 - the introduced budget bill for the 2010-2012 biennium.
- The final General Assembly budget for public education (Direct Aid to Public Education) includes some funding increases, additional funding reductions to the SOQ and other programs, and various budget language provisions.
- The net funding impact of policy changes from both the introduced budget and the final General Assembly budget actions is a reduction in state funding to school divisions of approx. \$700M for the 2010-2012 biennium, compared to the FY10 base budget level.

2010-2012 Funding Increases

- Two funding increases related to the composite index:
 1. \$29.5M for the cost of using the 2010-2012 composite index in FY11. The introduced budget maintained the 2008-2010 index in FY 2011. The new index resulted in a funding loss for 95 divisions; and,
 2. \$174.1M over the biennium for hold harmless payments to those 95 divisions whose index increased with the 2010-2012 update. \$116.5M is provided in FY11 (100% hold harmless) and \$57.6M in FY12 (50% hold harmless).
- \$57.8M each year to continue the VPSA Educational Technology Grants program, which supports the SOL Web-based Technology initiative for on-line testing. Includes additional three-year technology grant for non-accredited schools.
- \$3.4M over the biennium for education services at the state-operated program in Staunton that was proposed for closure in the introduced budget (Commonwealth Center for Children and Adolescents).
- \$8.0M over the biennium to restore Facilities support positions that were inadvertently removed in the introduced budget.
- \$486,700 over the biennium for the new Governor's School at Innovation Park in Prince William Co. scheduled to open in 2010-11

2010-2012 VRS Changes

- Substantial state and local savings from lower employer contribution rates for VRS benefit programs:
 - for teacher retirement, funds the “normal” rate in FY11 and normal rate plus 20% of unfunded liability in FY12 and reflects impact of HB 1189
 - funds retiree health care credit and group life at normal rate
 - these rate reductions save \$345.8M in state funds for the biennium
- Localities will also realize significant cost savings due to the lower rates – how these savings are used is a local decision.
- Includes language giving school boards the option of requiring current employees to pay a portion of the 5% employee retirement contribution. Would allow local boards to elect any whole % up to 5% that employees would pay.
- Does not adopt the proposed required local effort credit payback to the state.

2010-2012 VRS Rates

VRS employer rates in *HB/SB 30 introduced*:

- retirement = 10.49%
- retiree health care credit = 1.01%
- group life = 0.33%

VRS employer rates in *final GA budget*:

- retirement = 3.93% FY11 / 5.16% FY12
- retiree health care credit = 0.60%
- group life = 0.28%

2010-2012 Funding Reductions

- Two corrections to the SOQ funding formula:
 1. Corrects support funding in the substitutes and improvement categories by removing regional program costs as intended in the introduced budget. Regional program costs were inadvertently not removed from these support categories in the introduced budget.
 - reduction of \$8.7M in FY11 and \$8.8M in FY12
 2. Corrects the per pupil support costs for jointly-operated divisions (e.g., Williamsburg-JCC) by using the ADM of both divisions to match their combined expenditure base.
 - reduction of \$24.5M in FY11 and \$24.7M in FY12
- Four changes to the SOQ formula related to support funding:
 1. Includes divisions' \$0 expenditures in the linear weighted average calculation for non-personal support funding: reduction of \$39.2M in FY11 and \$39.5M in FY12;
 2. Extends the school bus replacement cycle (for state funding purposes) from 12 to 15 years: reduction of \$9.7M each year;
 3. Eliminates certain expenditures from recognized non-personnel support funding:
 - staff travel: reduction of \$15.6M in FY11 & \$15.7M in FY12
 - leases/rentals: reduction of \$14.4M in FY11 & \$14.5M in FY12
 - facilities: reduction of \$4.7M in FY11 & \$4.6M in FY12; and,
 4. Changes the basis of the support percentage used in the federal revenue deduct from division ASR expenditures to the percent of support costs funded in the SOQ: reduction of \$17.0M each year.

2010-2012 Lottery Changes

Adopted several amendments affecting Lottery programs:

- Increases Lottery revenue forecast \$5.0M each year, to \$435.2M;
- Does not adopt the proposed block grant for At-risk, Early Reading, and VPI - maintains current funding formulas and program requirements;
- Eliminates funding for Enrollment Loss, the per pupil Lottery account, and the 20:1 ratio in the K-3 Class Size Reduction program;
- Increases the reimbursement for School Breakfast by 10% from \$.20 to \$.22 per meal above base-line; and,
- Reduces Textbook per pupil amount, and transfers Remedial Summer School, ESL, and part of Textbooks from GF to Lottery. Textbook funding reduced by one-third (\$34.1M) over the biennium.
- Based on the above actions, funding to divisions is reduced by \$91.8M in FY11 and \$84.9M in FY12.

2010-2012 Language Changes

- Does not adopt language clarifying the types of support positions currently funded in the SOQ and requiring DOE to include the cost of eliminating the support position funding ratio in the 2012-2014 rebenchmarking.
- Clarifies introduced budget language providing flexibility for divisions to use textbook funds for electronic textbooks and technology to access them. Clarifies that textbook funds may be used to purchase electronic textbooks and curriculum materials and the technology required to read and access them, but not for mass purchases of computers.
- Eliminates the reporting requirements for four legislative reports currently completed by DOE and school divisions (as recommended by DOE):
 - 1) Individual Student Alternative Education Plan Report; 2) Plan and Report for Programs of Prevention, Intervention, and Remediation; 3) SOL Web-Based Technology Initiative; and 4) Status of Regional Alternative Education Placements.
- Maintains the current SOQ standard and funding for the middle and high school planning period requirement.
- Provides temporary flexibility to divisions by permitting increases in the SOQ division-wide pupil-teacher ratios for grades K-7 and grades 6-12 English classes by one additional student. Also, staffing ratios for elem. resource teachers, Prevention, Intervention, and Remediation, ESL, gifted, and CTE are waived, as well as the instructional and support technology, librarian, and guidance counselor

staffing ratios for new hires. This temporary flexibility does not impact state funding and does not apply to the K-3 Class Size Program (see Appendix).

- Requires DOE to evaluate options from the 2009 JLARC report on services for children with autism spectrum disorders, by determining which options to pursue regarding early intervention services for preschool-age children and service delivery to school-age children. DOE must report its findings to the Dept. of Behavioral Health & Development Services by 7/31/10.

APPENDIX – SOQ Staffing Flexibility in 2010-2012

Flexibility provisions below do not impact state funding.

Level/Position	SOQ Minimum Staffing Requirements	Change Allowed
<u>Kindergarten</u> (students to classroom teacher)	Avg. 24 to one No Class > 29 Aid if > 24	Avg. 25 to one No change No change
<u>Grades 1, 2, 3</u> (students to classroom teacher)	Avg. 24 to one No Class > 30	Avg. 25 to one No change
<u>Grades 4, 5, 6, 7</u> (student to classroom teacher)	Avg. 25 to one No Class > 35	Avg. 26 to one No change
<u>English Classes Grades 6-12</u> (students to classroom teacher)	Avg. 24 to one	Avg. 25 to one

APPENDIX – SOQ Staffing Flexibility in 2010-2012

Flexibility provisions below do not impact state funding.

- Waive ratio requirements:
 - Prevention, Intervention, & Remediation
 - ESL
 - Elementary Resource Teachers
 - Gifted
 - Career and Technical
- Waive ratio requirements for new hires:
 - Instructional & Support Technology
 - Librarians
 - Guidance Counselors

APPENDIX

Appropriation Detail of Direct Aid to Public Education Programs Final General Assembly Budget for 2010-2012 Biennium (Adopted March 14, 2010)		
	Final 2010 General Assembly	
Standards of Quality (17801)	FY 2011	FY 2012
Basic Aid (Excluding SFSF)	\$2,782,127,827	\$2,911,472,497
Basic Aid (SFSF)	\$126,372,427	\$0

Subtotal - Basic Aid	\$2,908,500,254	\$2,911,472,497
Sales Tax	\$1,078,800,000	\$1,114,700,000
Textbooks (split funded)	\$10,652,340	\$20,065,104
Vocational Education	\$66,262,297	\$66,403,848
Gifted Education	\$31,066,860	\$31,245,002
Special Education	\$363,191,210	\$364,584,045
Prevention, Intervention, and Remediation	\$69,584,496	\$69,579,517
VRS Retirement	\$104,436,895	\$133,424,839
Social Security	\$176,302,533	\$177,130,406
Group Life	\$6,484,029	\$6,515,863
English as a Second Language	\$0	\$0
Remedial Summer School	\$0	\$0
Total including SFSF	\$4,815,280,914	\$4,895,121,121
Total – 17801 (excludes SFSF)	\$4,688,908,487	\$4,895,121,121

Incentive Programs (17802)	FY 2011	FY 2012
Governor's School	\$14,207,194	\$14,696,365
Clinical Faculty	\$318,750	\$318,750
Career Switcher Mentoring Grants	\$279,983	\$279,983
Special Education - Endorsement Program	\$600,000	\$600,000
Special Education - Vocational Education	\$200,089	\$200,089
Composite Index Hold Harmless	\$116,477,529	\$57,599,803
Total	\$132,083,545	\$73,694,990
Categorical Programs (17803)	FY 2011	FY 2012
Adult Education	\$1,051,800	\$1,051,800
Adult Literacy	\$2,645,375	\$2,645,375
Virtual Virginia	\$2,356,908	\$2,356,908
American Indian Treaty Commitment	\$75,669	\$77,348
School Lunch	\$5,801,932	\$5,801,932
Special Education - Homebound	\$5,628,891	\$5,938,390
Special Education - Jails	\$3,698,491	\$4,065,031
Special Education - State Operated Programs	\$34,170,169	\$35,993,791
Total	\$55,429,235	\$57,930,575

Lottery (17805)	FY 2011	FY 2012
Foster Care	\$12,896,417	\$13,605,123
Enrollment Loss	\$0	\$0
At-Risk	\$63,801,568	\$63,651,543
Virginia Preschool Initiative	\$67,607,769	\$68,300,290
Early Reading Intervention	\$14,720,585	\$14,787,821
Mentor Teacher	\$1,000,000	\$1,000,000
K-3 Primary Class Size	\$73,229,929	\$73,817,468
School Breakfast Program	\$2,687,265	\$3,185,437
SOL Algebra Readiness	\$9,018,272	\$9,006,959
Support for School Construction and Operating Costs	\$0	\$0

		Board:	
		<ul style="list-style-type: none"> • Include specified information in the Annual Report 	
HB1389 (Peace) SB736 (Newman)	College Partnership Laboratory Schools. Establishes college partnership laboratory schools for the purpose of stimulating the development of innovative public education programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools are created by a contract between the school and the Board of Education.	Board:	
		<ul style="list-style-type: none"> • Establish criteria for making distributions from the fund • May issue guidelines governing the fund • Establish procedures for receiving, reviewing, and ruling on applications • Establish a review committee • May establish a procedure for public notice, comment, or hearings 	
HB1390 (Lingamfelter) SB737 (Newman)	Public charter schools. Requires the public charter school applicant to submit its application to the Board of Education for review, comment, and a pre-certification recommendation prior to the submission of such application to a local school board. The Board's review must include a recommendation as to whether the application meets the approval criteria developed by the Board. Also, provides for an opportunity for a public charter school applicant to appeal a local school board decision to deny a public charter school application.	Board:	
		<ul style="list-style-type: none"> • Establish procedures for receiving and reviewing applications and post on the Web 	
SOA			
HB111 (Lohr) SB352 (Obenshain)	Delayed implementation of the new Standards of Accreditation provisions. Delays until July 1, 2011 the implementation of the regulations for the accreditation of schools that were not already in effect on June 30, 2008, with the exception of the Graduation and Completion Index.	Board:	
		<ul style="list-style-type: none"> • Regulatory revision to change effective date (fast track) 	
HB196 (Ware)	Delayed implementation of the new graduation requirements. Postpones implementation of any additional graduation requirements, including the economics education and financial literacy requirement and the requirements for the Standard Technical and Advanced Technical Diplomas, until July 1, 2011.	Board:	
		<ul style="list-style-type: none"> • Regulatory revision to change effective date (fast track) 	
HB257 (McClellan)	Review of homebound instruction. Requires the Board to review the Standards of Accreditation to determine if homebound instruction may be made available to students confined at home or in a health care facility based upon evidence submitted by any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions. Currently, a licensed physician or a licensed clinical psychologist may certify a student for homebound instruction.	Board:	
		<ul style="list-style-type: none"> • Review regulations governing homebound instruction 	
HB622 (Orrock)	Economics and personal finance. Allows local school boards to permit students to earn credit for this course if they successfully complete a career and technical education course that includes the Board objectives for economics education and financial literacy. (The bill was carried over to 2011 with a letter to the Board.)	Board:	Prior to 12/2/10
		<ul style="list-style-type: none"> • Review bill and report any recommendations to the Chairman of the House Education Committee 	
HB1199 (Iaquinto)	Waiver of graduation requirements. Requires the Board of Education to provide for the waiver of graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.	Board:	
		<ul style="list-style-type: none"> • Provide for a waiver as may be necessary 	
CTE and STEM			
HB394 (Lohr) SB629 (Wagner)	Sequential electives required to earn a Standard Diploma. Requires the two sequential electives, which provide a foundation for further education or training or preparation for employment, to be identified in the Academic and Career Plan as described in the Standards of Accreditation.	Board:	
		<ul style="list-style-type: none"> • Revise the Standards of Accreditation Guidance Document 	
		Department:	
		<ul style="list-style-type: none"> • Revise technical 	

		assistance materials	
HB566 (Tata) SB630 (Wagner)	Virginia's Workplace Readiness Skills assessments. Requires each local school board to include in its annual report to the Board of Education the number of Virginia's Workplace Readiness Skills assessments passed and the number of national occupational competency assessments passed.	Department: <ul style="list-style-type: none"> Collect data and add to the School Report Card posted on the Web 	
HB1172 (Phillips) SB145 (J. Miller)	Virginia Index of Performance incentive program. Codifies a current recognition program that recognizes fully accredited schools and school divisions that make significant progress toward achieving advance proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics (STEM).	Board: <ul style="list-style-type: none"> Revise VIP criteria to include STEM 	
HJR100 (LeMunyon)	Support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth. Encourages the Board of Education to support the establishment of additional mathematics, science, and technology Governor's Schools in the Commonwealth.		
Health and Safety			
HB270 (Englin)	Plan for the vaccination of school children. Requires the Department of Health to include in its vaccination plans procedures to ensure the prompt vaccination of all persons of school age in the Commonwealth, including private and home-schooled students, upon declaration of an emergency involving a vaccine-preventable disease and consent of the parent.		
HB1217 (Lewis)	Firearm safety education program. Requires the Board of Education to establish curriculum guidelines for a standardized program of firearm safety education for the elementary school grades. Local school boards electing to provide firearm safety education shall offer instruction pursuant to the Board's curriculum guidelines.	Board: <ul style="list-style-type: none"> Develop curriculum guidelines for a firearm safety education program for elementary students. 	
HB1048 (Kory) SB566 (Ticer)	Following too closely; passing other vehicles. Adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. (These bills failed, with letters to the Board.)	Board: <ul style="list-style-type: none"> Review bill and revise the driver education curriculum as may be necessary 	
HB1376 (Sickles)	Guidelines on administration of drugs to public school students with epilepsy and other seizure disorders. Requires the Board of Nursing to revise the guidelines for seizure management. The guidelines shall be posted on the Department of Education's Web site. The Board of Education shall develop a standardized form to be used for authorizing the administration of such medications in the public schools and shall post it on the Department of Education's Web site.	Board: <ul style="list-style-type: none"> Develop standardized form Department: <ul style="list-style-type: none"> Post guidelines and standardized form on the Web 	
SB197 (Blevins)	Records of pesticide application. Clarifies that each local school division, rather than each individual school, shall maintain records of any pesticide application on school grounds.	Department: <ul style="list-style-type: none"> Disseminate guidelines for integrated pest management developed by the Virginia Cooperative Extension and the Pesticide Control Board 	7/1/2010
SB269 (Whipple)	Driver education programs. Requires the Board of Education to include fuel-efficient driving practices as part of the driver education curriculum.	Board: <ul style="list-style-type: none"> Revise the driver education curriculum as may be necessary 	
SB414 (Vogel)	Competitive foods. Requires the Board of Education to promulgate regulations setting nutritional guidelines for all competitive foods sold to students during regular school	Board: <ul style="list-style-type: none"> Promulgate regulations governing competitive 	

	hours. Local school boards are required to report to the Department of Education on their plans to implement the final regulations	foods	
SB652 (Northam)	Guidelines about concussions. Requires the Board of Education to develop guidelines for policies dealing with concussions in student-athletes, including the nature and risk of concussions; criteria for return to play; and risks of not reporting the injury and continuing to play. Requires each local school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes.	Board: <ul style="list-style-type: none"> • Develop guidelines related to concussions • Develop approved process to acknowledge receipt of information • Determine appropriate licensed health care providers 	
HJR95 (E. Scott)	Virginia Farm-to-School Week. Designate the second full week of November, in 2010 and in each succeeding year, as Virginia Farm-to-School Week in the Commonwealth.		
SJR85 (Peterson)	Encouraging physical activity in public schools. Encourages the local school divisions to promote daily physical activity and reduce childhood obesity.		
Special Education			
HB304 (O'Bannon)	Virginia Grade Level Alternative assessment. Requires an annual justification to the Board, as part of the Individual Education Program, for every student who takes the Virginia Grade Level Alternative assessment instrument in grades three through eight. Such justification shall include evidence that the student meets participation criteria defined by the Department of Education.	Department: <ul style="list-style-type: none"> • Define the participation criteria for VGLA • Collect certification of compliance from school divisions • Monitor compliance through special education monitoring Board: <ul style="list-style-type: none"> • Report noncompliance in the Board's Annual Report 	
SB46 (Stuart)	Special education program for children with disabilities; recovery of attorney fees. Authorizes a court to award reasonable attorney fees and costs to the prevailing party.		
Teachers			
HB623 (Orrock)	Substitute teachers. Allows local school boards to employ substitutes, with the approval of the Superintendent of Public Instruction on a case-by-case basis, for periods longer than 90 teaching days in a school year, and requires the Board to develop guidelines pertaining to the employment of substitutes for longer than 90 teaching days during one school year.	Board: <ul style="list-style-type: none"> • Develop guidelines 	Prior to 7/1/11
SB715 (Petersen)	Teacher preparation in civics education. Requires the Board of Education to promulgate regulations to require: <ul style="list-style-type: none"> (i) All education preparation programs for teachers in history and social sciences, elementary education K-6, and middle education 6-8 to include local government and civics instruction specific to Virginia and (ii) Any teacher seeking renewal of a license with an endorsement in history and social sciences, elementary education K-6, or middle education 6-8 to undertake study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia. 	Board: <ul style="list-style-type: none"> • Revise regulations governing teacher licensure and approved programs 	
Local School Divisions			
HB107 (Cole)	Notification to schools. Clarifies that notification is to be given to the superintendents of school divisions when students who are 18 years of age or older are charged with certain crimes and are subject to the jurisdiction of the juvenile and domestic relations district court.		
HB227 (Watts)	Sex offenses prohibiting entry onto school property. Current law allows an adult who is prohibited from entering upon school or child day center property because he was		

	convicted of a sexually violent offense to petition either the juvenile and domestic relations district or circuit court of the locality for permission to enter the property; this bill provides that the petition must be filed in circuit court.		
HB669 (May) SB413 (Vogel)	Triennial census of school population. Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school age population done by the Weldon Cooper Center for Public Service.	Department:	
		<ul style="list-style-type: none"> Provide information regarding the number of students ages two through four and 20 through 21 receiving special education services 	
HB907 (R. Bell)	Reports of certain acts to school authorities. Provides that for any report from local law-enforcement authorities to the principal or his designee and the division superintendent regarding certain offenses committed by a juvenile student that would be an adult misdemeanor, local law-enforcement authorities and attorneys for the Commonwealth shall also be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders to the superintendent of the school division.		
HB1245 (Kory)	Surplus property. Allows elected school boards to donate obsolete educational technology hardware and software and other obsolete personal property to a Virginia nonprofit organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.		
HB1353 (Cline)	Possessing or consuming alcoholic beverages while operating a school bus; penalty. Provides that any person who possesses or consumes an alcoholic beverage while operating a school bus transporting children is guilty of a Class 1 misdemeanor.		
SB196 (Blevins)	Notification of school nonattendance. Clarifies that, in addition to the attendance officer, school personnel, and volunteers, the school principal or his designee is responsible for notifying parents concerning students' nonattendance at school.		
SB209 (Barker)	International Baccalaureate courses. Requires the governing boards of each public institution of higher education to have policies regarding the granting of undergraduate course credit to entering freshmen students who have successfully completed one or more International Baccalaureate or Advanced Placement courses.		
SB354 (Obenshain)	Limited English proficient assessment. Provides that local school divisions may administer a locally developed or selected limited English proficiency assessment pursuant to the federal No Child Left Behind Act, so long as such assessment has been approved by the Board of Education.	Department:	
		<ul style="list-style-type: none"> Reissue Superintendent's Memo outlining the process for Board approval of locally selected or developed instruments 	
SB361 (Barker)	Religious holidays. Requires local school boards to develop policies ensuring that any student's absence because of the observance of a religious holiday be recorded as excused on the student's attendance record and that a student not be deprived of a perfect attendance award because of such absence.		

Administrative Procedures/Regulations			
HB208 (Bulova)	Reduction of data collection and reporting requirements. Eliminates several outdated or duplicative reports to the General Assembly, including the reports on acceptable Internet use, remedial programs, and regional alternative programs, and combines the charter school report with the Board's annual report.	Board: <ul style="list-style-type: none"> Revise or repeal regulations governing remedial programs Department: <ul style="list-style-type: none"> Continue to consolidate and eliminate data collections and reports 	
HB491 (Lingamfelter)	Student fees. Clarifies that student fees for instructional materials must not be construed to authorize a school board to charge fees for materials that are not directly used by the student.	Board: <ul style="list-style-type: none"> Revise regulations governing student fees (these regulations are already under revision) 	
HB557 (Tata) SB253 (Reynolds)	Opening of the school year. Provides school divisions may self-certify that they meet one of the "good cause" provisions of the Code to enable the school division to open prior to Labor Day.	Department: <ul style="list-style-type: none"> Revise current administrative process 	
HB709 (Peace)	Electronic textbooks. Requires publishers of textbooks approved by the Board of Education for grades 6-12 to allow for the purchase of either printed or electronic textbooks.	Board: <ul style="list-style-type: none"> Revise regulations governing textbooks (these regulations are already under revision) 	
HB1289 (Plum)	Permitted fees and charges; local school boards. Clarifies that local school boards are not prohibited from: (i) Making supplies, services, or materials available to pupils at cost or (ii) Imposing a fee or charge for a field trip or any educational program that is not a required activity. School boards may waive such fees or charges for those pupils it determines are unable to afford them. (The bill was left in House Education, with a letter to the Board)	Board: <ul style="list-style-type: none"> Revise regulations governing student fees (these regulations are already under revision) 	
SB241 (Watkins)	Open Education Curriculum Board. Establishes the Open Education Curriculum Board to designate qualifying entities as Open Education Consortia and to set the standards for submission of education materials and subsequent licensing of educational curriculum developed by the Consortia. Materials submitted to a Consortium may be edited in any manner and released under a Creative Commons license or licensed for use as a commercial product, subject to restrictions developed by the Board. Consortia may offer financial incentives to encourage individuals to submit educational materials to the Consortium.	Department: <ul style="list-style-type: none"> Fund and staff the Open Education Curriculum Board Open Education Curriculum Board: <ul style="list-style-type: none"> Develop an application process for designating consortia Develop reporting requirements for monitoring and compliance Report annually to the General Assembly and the Governor Recommend open education policies 	

		that have the potential to reduce the cost of textbooks and educational materials	
SB299 (J. Miller)	Virginia Council on the Interstate Compact on Educational Opportunity for Military Children. Requires the Department of Education to employ a military family education liaison to provide staff support for the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and to assist military families and the state in facilitating the implementation of the Interstate Compact.	Department:	
SB633 (Stosch)	Neighborhood assistance tax credits; impoverished people. Changes the definition of "impoverished people" for education proposals under the Neighborhood Assistance Act Tax Credit program from 180 percent to 200 percent of the current federal poverty guidelines.	Board:	
Studies			
HB485 (Lingamfelter)	Financial and management review of all state agencies. Directs the Governor to initiate an operational and programmatic performance review of executive agencies, including Department of Education and primary and secondary education funded by the Commonwealth. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The language specifies that the "costs to conduct the operational and programmatic performance reviews shall be funded by a percentage of any savings resulting from the recommendations proposed by the private management consulting firm that are implemented by either the Governor or the General Assembly by July 1, 2012."		Review to be completed by 12/1/11
HB978 (Anderson)	Statewide uniform grading policy. Requires the Board of Education to establish a statewide uniform grading policy that interprets end-of-course grades used for students in public schools in grades six through 12 as follows: 1. Grade "A" is 90-100 percent, has a GPA value of four, and is defined as "outstanding progress"; 2. Grade "B" is 80-89 percent, has a GPA value of three, and is defined as "above average progress"; 3. Grade "C" is 70-79 percent, has a GPA value of two, and is defined as "average progress"; 4. Grade "D" is 60-69 percent, has a GPA value of one, and is defined as "lowest acceptable progress"; and 5. Grade "F" is 0- 59 percent, has a GPA value of zero, and is defined as "failure." (The bill was carried over to 2011, with a letter to the Board.)	Board:	Prior to 12/2/10
HJR60 (K. Cox)	JLARC study on procurement. Directs the Joint Legislative Audit and Review Commission to study the feasibility and effectiveness of requiring local school divisions to contract collectively in certain areas of procurement.		
HJR101 (Peace) SJR50 (Y. Miller)	Virginia Workplace Readiness Skills. Requests that the Board of Education approve the revised Virginia's Workplace Readiness Skills test. The Board of Education must submit an executive summary and report of its progress in meeting the request of this resolution to the Governor and 2011 Regular Session of the General Assembly.	Board:	Prior to 1/12/2011
SJR31 (J. Miller)	JLARC study on reading proficiency of third grade students. Directs the Joint Legislative Audit and Review Commission to study ways to promote and ensure early reading proficiency and comprehension among third graders in		

	<p>the public schools. In conducting its study, JLARC shall:</p> <ul style="list-style-type: none"> (i) Determine the number of third graders who read at grade level; (ii) Rank the school divisions according to the number of third graders who passed the most recent third grade reading test; (iii) Identify best practices utilized by school divisions with the highest percentage of third graders who read at grade level; (iv) Examine the findings and recommendations of state and national studies pertaining to the efficacy of early reading proficiency and comprehension and its relationship to academic success, and recommend those recommendations appropriate for implementation in Virginia; and (v) Determine strategies to increase the number of third graders who pass the third grade reading test and ways to improve and sustain the early reading proficiency of third grade students. 		
<p>SJR32 (McDougle)</p>	<p>JLARC study on improving coordination between K-12, community colleges, and four-year institutions of higher education. Directs the Joint Legislative Audit and Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education. In conducting its study, JLARC shall:</p> <ul style="list-style-type: none"> (i) Examine the statutory authority and duties of the Secretary of Education in overseeing education in the Commonwealth from K-12 through higher education, (ii) Consider possible ways of expanding such authority or duties in order to better coordinate education at all levels throughout the Commonwealth, (iii) Emphasize the need to better anticipate the workforce needs of the Commonwealth, and ways to direct students toward education and training that will fulfill those needs, and (iv) Make recommendations as to how to accomplish these objectives. 		
<p>SJR87 (Vogel)</p>	<p>Study of dyslexia screening in kindergarten. Requests the Department of Education to study dyslexia screening for kindergarteners. In conducting its study, the Department shall:</p> <ul style="list-style-type: none"> (i) Examine available scientific data on the success of early screening for dyslexia, (ii) Consider the cost-effectiveness of such strategy, and (iii) Make recommendations as to whether such screening is advisable and, if so, the particular method that is most effective. 	<p>Department:</p> <ul style="list-style-type: none"> • Conduct study and make recommendations 	

The Board accepted the informational report.

First Review of a Request for Approval of a Request from Fairfax County Public Schools for a Waiver of One Day for a Declared State of Emergency

Mrs. Wescott and Mr. Kevin North, assistant superintendent, Fairfax County Public Schools, presented this item. Mrs. Wescott said that Section [22.1-98](#) of the *Code of Virginia* requires local school boards to set a school term of at least 180 teaching days or 990 teaching hours in any school year. If the school term is for fewer than 180 teaching days or 990 teaching hours, the school division would be subject to the loss of a proportional amount of Basic Aid. However, if the school division is closed because of severe weather conditions or other emergencies, it would not be subject to the loss of Basic Aid if it makes up the days in accordance with the provisions of the *Code*, and makes up the first five days, and one of

every two days missed after the first five days. If there is a declared state of emergency by the Governor or another official that requires the closure of schools, the Board of Education may grant a waiver to the school division.

The Fairfax County Public Schools have missed ten days of school because of severe weather conditions and heavy snows this winter. The school calendar originally included 183 instructional days. Three of those days can be counted toward meeting the requirement of making up days that are missed because of weather conditions. Three additional make-up days are scheduled: April 12, originally planned to be a teacher workday, and June 23 and 24, which would be added to the end of the school year.

Fairfax County Public Schools plans to make up the first five days that were missed because of weather conditions, and one day to make up the sixth and seventh days that were missed. It is requesting a waiver of one day to make up the eighth and ninth days that were missed. Mr. North said that the school board considered making up the missed days by scheduling school on Saturdays, on Memorial Day, and during spring break, but the feedback from the community was to extend the school year and request a waiver from the Board.

Mr. Foster made a motion to defer consideration of the request from Fairfax County Public Schools' request for waiver of one of the required make-up days, due to a declared state of emergency because of this winter's heavy snows, until the April Board meeting. The motion was passed with a roll-call vote of six "yea" votes to three "nay" votes.

DISCUSSION OF CURRENT ISSUES

Dinner Session

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Mrs. Beamer, Dr. Cannaday, Mrs. Castro, Mr. Foster, Mr. Johnson, Mr. Krupicka, Dr. McLaughlin, 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, Mrs. Saslaw adjourned the meeting at 12:39 p.m.

President