

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

September 23, 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 Dr. McLaughlin led in the Pledge of Allegiance.

WELCOLME TO SPECIAL GUESTS

Mrs. Saslaw welcomed the following groups visiting with the State Board of Education:

- Special Education Leadership Academy, under the leadership of Mr. Douglas Cox, assistant superintendent for special education, Virginia Department of Education
- Masters Program, University of Richmond, under the leadership of Dr. Sam Perry, adjunct professor and retired program director of teacher licensure preparation program, School of Continuing Studies, University of Richmond

APPROVAL OF MINUTES

Mrs. Castro made a motion to approve the minutes of the July 22, 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.

PUBLIC COMMENT

The following persons spoke during public comment:

Ronald Gerard
Dr. James Batterson
Dr. Juanita Jo Matkins
Angela Ciolfi

CONSENT AGENDA

Mrs. Beamer made a motion to approve the consent agenda. The motion was seconded by Dr. Cannaday and carried unanimously.

- First Review of a Proposed Amendment to the *Licensure Regulations for School Personnel* (8 VAC 20-22-10 et seq.) to Conform to Senate Bill 715 Passed by the 2010 General Assembly
- First Review of a Proposed Amendment to the *Regulations Governing the Review and Approval of Education Programs in Virginia* (8 VAC 20-542-10 et seq.) to Conform to Senate Bill 715 Passed by the 2010 General Assembly
- First Review of the Notice of Intended Regulatory Action (NOIRA) to Promulgate *Regulations Governing Competitive Food in the Public Schools*
- Final Review of Proposed Board of Education Meeting Dates for the 2011 Calendar Year

First Review of a Proposed Amendment to the Licensure Regulations for School Personnel (8 VAC 20-22-10 et seq.) to Conform to Senate Bill 715 Passed by the 2010 General Assembly

The Department of Education's recommendation to receive for first review the Proposed Amendment to the *Licensure Regulations for School Personnel*, and authorize staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act, was approved with the Board's vote on the consent agenda.

The *Licensure Regulations for School Personnel* will be amended to require the following:

- Individuals seeking renewal of licenses with endorsements in early/primary preK-3, elementary education preK-6, middle education 6-8, and history and social sciences after July 1, 2012, must complete 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.

- Institutions of higher education with approved education (endorsement) programs in early/primary preK-3, elementary education preK-6, middle education 6-8, and history and social sciences to incorporate study in local government and civics instruction specific to Virginia.

First Review of a Proposed Amendment to the Regulations Governing the Review and Approval of Education Programs in Virginia (8 VAC 20-542-10 et seq.) to Conform to Senate Bill 715 Passed by the 2010 General Assembly

The Department of Education's recommendation to receive for first review the proposed amendment to the *Regulations Governing the Review and Approval of Education Programs in Virginia*, and authorize staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act, was approved with the Board's vote on the consent agenda.

The *Regulations Governing the Review and Approval of Education Programs in Virginia* will be amended to require the following:

- Institutions of higher education with approved education (endorsement) programs in early/primary preK-3, elementary education preK-6, middle education 6-8, and history and social sciences to incorporate study in local government and civics instruction specific to Virginia.
- Individuals seeking renewal of licenses with endorsements in early/primary preK-3, elementary education preK-6, middle education 6-8, and history and social sciences after July 1, 2012, must complete 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.

First Review of the Notice of Intended Regulatory Action (NOIRA) to Promulgate Regulations Governing Competitive Food in the Public Schools

The Department of Education's recommendation to waive first review and approve the NOIRA and authorize staff of the Department of Education to proceed with the requirements of the Administrative Process Act was approved with the Board's vote on the consent agenda.

As specified in enactment clause three of SB 414, the Board shall work with the Department of Health, the School Nutrition Association of Virginia, the American Heart Association, the American Cancer Society, the Virginia Chapter of the American Academy of Pediatrics, the Virginia Wholesalers and Distributors Association, the Virginia Automatic Merchandising Association, and other stakeholders in conducting the research necessary for the development of the regulations and in the dissemination of the nutritional guidelines to school divisions.

Further, SB 414 requires in the development and implementation of the regulations that:

1. nutritional guidelines are established for all competitive foods sold to students on school grounds during regular school hours. "Competitive food" means any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch programs. SB 414 did not include "beverages" under the definition of "competitive food."
2. the guidelines be based on the Institutes of Medicine's (IOM) nutrition standards for competitive foods in schools or the competitive food guidelines established by the Alliance for a Healthier Generation as the initial statewide standard for competitive foods;
3. the guidelines be periodically reviewed by the Board of Education with assistance from the Department of Health to ensure they remain current, science-based, and consistent with any changes to the federal laws or regulations on competitive foods; and
4. the guidelines are incorporated by local school boards as part of their existing local wellness policy.

Final Review of Proposed Board of Education Meeting Dates for the 2011 Calendar Year

The Department of Education's recommendation to adopt the schedule of meeting dates for the 2011 calendar year was approved with the Board's vote on the consent agenda.

The Board's meeting dates for calendar year 2011 are as follows:

January 13, 2011	June 23, 2011
February 17, 2011	July 28, 2011
March 24, 2011	September 22, 2011
April 27-28, 2011	October 27, 2011
May 19, 2011	November 17, 2011

ACTION/DISCUSSION: BOARD OF EDUCATION REGULATIONS

First Review of Final Amendments to the Regulations Governing Local School Boards and School Divisions (8 VAC 20-720) and Repeal of the Rules Governing Fees and Charges (8 VAC 20-370)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the Board of Education's *Rules Governing Fees and Charges*, 8 VAC 20-370-10, were adopted on or before September 1, 1980, and have not been amended since that time. The purpose of this proposal is to update the regulations by repealing the current regulations governing fees charged by school divisions and creating a new regulation that will be added as a section to the proposed *Regulations Governing Local School Boards and School Divisions*, 8 VAC 20-720-10 et seq.

The public comment period for the proposed regulations was held from May 24, 2010 through July 26, 2010. During this time, four public comment meetings were held. They were held in Marion on June 3, 2010, and in Alexandria, Chesapeake, and Richmond on June 10, 2010. The Board received comments from 42 individuals and organizations.

Dr. McLaughlin made a motion to adopt the final amendments to the *Regulations Governing Local School Boards and School Divisions* and authorize the Department of Education staff to proceed with the remaining steps required by the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously.

Revisions to the Proposed Regulations

Section number	Requirement at proposed stage	What has changed	Rationale for change
80 A.	No fees or charges may be levied unless authorized by the Board of Education or by the <i>Code of Virginia</i> .	Language is revised to say that no fees or charges may be levied unless authorized by regulation of the Board or by the General Assembly	Revised for clarity.
80 B.	Required local school board policies to include the sanctions for nonpayment of fees.	The term “sanctions” has been changed to “consequences.”	Revised for clarity.
80 C.	Requires that local school board policies provide for the reduction or waiver of fees for economically disadvantaged students and students whose families cannot afford them. Specific examples of such students are included.	The phrase “and are financially unable to pay them” is added. Families receiving Supplemental Security Income are added to the examples. The term “food stamps” is replaced with the term “Supplemental Nutrition Assistance Program.”	Revised for clarity. Revised in response to public comment. Supplemental Security Income is a form of public assistance recognized by the Virginia Supreme Court. The food stamp program is now known as the Supplemental Nutrition Assistance Program.
80 D.		Language is added to require school divisions to provide notice that a fee waiver may be requested, including directions as to how to apply for the waiver, each time a fee is charged.	Revised in response to public comment.
80 F.	The fee policy and the fee schedule shall be consistent throughout the school division, although there may be different fee schedules for elementary, middle, and high school levels.	Language revised to say that the fee policy and the fee schedule shall be consistent throughout the school division, although there may be different fee schedules assessed at elementary, middle, and high schools.	Revised for clarity.
80 H 1 and 2	Fees may be charged for nonmandatory services... and nonmandatory extracurricular activities.	The term “nonmandatory” is changed to “optional” (services) and “student-selected” (extracurricular activities).	Revised for clarity.

80 H.5	Deposits may be charged for musical instruments not required for instructional activities.	Language is broadened to permit fees for musical instruments so long as the instruction in the use of musical instruments is not part of the required curriculum.	Revised in response to public comment and to comport with the Attorney General's Opinion dated May 6, 1977.
80.H. 10	Fees may be charged for consumable materials such as workbooks, writing books, and drawing books.	Language is added to clarify that fees may be charged for consumable materials such as workbooks, writing books, drawing books and fine arts materials and supplies. Language is added to say that local school boards are not authorized to charge fees to students for instructional materials, textbooks, or other materials that are not directly used by a public school student.	Fine arts materials and supplies are added in response to public comment. Language is added to comport with HB 491, passed by the 2010 General Assembly.
80.H.12	A student's pro rata share of the cost of providing transportation for voluntary extracurricular activities	Language is added to say that a fee not to exceed a student's pro rata share.	Revised for clarity
80.I	Local school boards shall not withhold any student's scholastic report card or diploma because of nonpayment of fees and charges, in accordance with § 22.1-6 of the <i>Code of Virginia</i> or to suspend or expel a student for nonpayment of fees.	Language is added to say that local school boards shall not withhold any student's class schedule for nonpayment of fees.	Revised in response to public comment

Final Review of Amendments to the Regulations Governing Local School Boards and School Divisions (8 VAC 20-720) and Repeal of the Regulations Governing Instructional Materials-Selection and Utilization by Local School Boards (8 VAC 20-1790), Regulations Governing Textbook Adoption State Level (8 VAC 20-220), Regulations Governing Textbook Adoption Local Level (8 VAC 20-230), and Regulations Governing Textbook Fund Management and Handling on Local Level (8 VAC 20-270)

Mrs. Wescott also presented this item. Mrs. Wescott said that the purpose of this proposal is to repeal the four current regulations and amend the *Regulations Governing Local School Boards and School Divisions* by creating a section governing textbooks. The three current regulations will be repealed simultaneously with the adoption of the amendment. The amendment will also capture the requirements of the bills passed by the 2008 General Assembly.

The Board of Education accepted the proposed regulations and authorized the Department of Education to proceed with the requirements of the Administrative Process Act at its July 23, 2009, meeting. The proposed regulations were published in the May 24, 2010,

Virginia Register of Regulations. A public comment period was held from May 24, 2010 until July 26, 2010. During that time, public hearings were held on June 3 in Marion, and on June 10 in Alexandria, Chesapeake and Richmond. No public comments were received.

Dr. Ward made a motion to adopt the final amendments to the *Regulations Governing Local School Boards and School Divisions* and authorize the Department of Education staff to proceed with the remaining steps required by the Administrative Process Act. The motion was seconded by Mrs. Castro and carried unanimously.

Revisions to the Proposed Regulations

Section number	Requirement at proposed stage	What has changed	Rationale for change
160.A	Local school boards shall be responsible for the selection, approval, and utilization of instructional materials	Language is revised to delete the word "approval."	Revised to comport with § 22.1-238 of the <i>Code of Virginia</i> , which authorizes the Board of Education to approve textbooks, and local school boards to select textbooks.
160.B	Local school boards shall adopt policies and criteria: 1. Instituting a policy regarding the rights of parents to inspect any instructional materials used as part of the educational curriculum... 20 U.S.C. § 123h... 2. Establishing procedures for the reconsideration of challenged materials 3. Placing special emphasis on materials related to sensitive or controversial topics 4. Including in the curriculum and scheduling options for students whose parents choose to withdraw the student from class...	The words "instituting a policy regarding" are deleted. The citation § 1232h is changed to read § 1232H. Items 2 and 3 are combined and revised to say that the basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive or controversial, and the procedures for doing so. The language is revised to reference language in the <i>Code of Virginia</i> specifying that the policies include procedures for handling challenged controversial materials.	Revised for clarity Revised to correct the citation Revised for clarity Revised to comport with § 22.1-253.13:7 of the <i>Code of Virginia</i>

170 A		Language is added to clarify that textbooks approved by the Board of Education for use in grades 6-12 may be print textbooks, electronic textbooks, or print textbooks with electronic files. Local school boards are authorized to purchase these textbooks in any of these three forms.	Addresses the provisions of HB 709, passed by the 2010 General Assembly (§ 22.1-243 of the <i>Code of Virginia</i>).
170 B.	<p>The procedures include: Appointment of an evaluation committee to review textbooks in one or more subject areas.</p> <p>Notice to parents that textbooks under consideration will be listed on the school division's Web site and made available for review.</p> <p>Provisions shall be made for those reviewing textbooks to present their comments to the school board through locally approved procedures.</p> <p>Actions necessary to assure appropriate consideration of citizen comments and observations shall be taken and adequate time for such consideration shall be allowed.</p> <p>Use of selection criteria that has been approved by the local school board.</p>	<p>Language is revised to provide for evaluation committees for each subject area.</p> <p>The item is divided into short paragraphs and reorganized.</p> <p>The term "opportunities" is used instead of provisions.</p> <p>The language is revised to say that procedures are required to ensure appropriate consideration of citizen comments and observations.</p> <p>The language is revised simply to require selection criteria.</p>	<p>Revised for clarity.</p> <p>Revised for clarity.</p> <p>Revised for clarity.</p> <p>Revised for clarity.</p> <p>Revised for clarity and elimination of redundancy.</p>
170 C.	Provides that written contracts or purchase orders are exempt from the <i>Virginia Public Procurement Act</i> and from any locally adopted regulations or procedures.	The provision regarding locally adopted regulations or procedures is deleted.	Revised to clarify that textbooks approved by the Board of Education are exempt from the state procurement act, but not from locally adopted regulations or procedures.

170 D.	Requires local school divisions to purchase non-Board of Education approved textbooks by either entering into written contracts or issuing purchase orders in accordance with locally adopted procurement procedures or regulations or the <i>Virginia Public Procurement Act</i> .	Specifies that the purchase of non-Board of Education approved textbooks is not exempt from the <i>Virginia Public Procurement Act</i> .	The requirement that the purchase of non-Board of Education approved textbooks must be by written contract or purchase orders in accordance with local procedures or the <i>Procurement Act</i> was unnecessary.
170 E		Adds language addressing distribution of textbooks. This requires local school boards to provide, free of charge, textbooks required for courses of instruction for each child attending public schools.	§ 22.1-242 of the <i>Code</i> requires regulations governing the distribution of textbooks. The current regulations do not address this topic. The proposed language is consistent with language in § 22.1-243 of the <i>Code</i> , which addresses distribution of textbooks.
170 F.	Requires local school boards to certify that the price paid for each textbook was not in excess of that charged elsewhere in the United States in accordance with § 22.1-241 of the <i>Code of Virginia</i> .	Language is revised to state that the price did not exceed the lowest wholesale price at which the textbook involved in the contract was currently bid under contract in the United States, in accordance with § 22.1-241.	Revised to comport more closely with the language in the <i>Code of Virginia</i> .

Final Review of Revisions to the Regulations Governing Pupil Transportation (8 VAC 20-70-10 et seq.)

Mr. Kent Dickey, assistant superintendent for finance and operations, presented this item. Mr. Dickey's report consisted of the following:

- The *Regulations Governing Pupil Transportation* (8VAC20-70) were last revised in 2004. Since that time, statutory provisions related to the content of these regulations have been enacted or amended resulting in inconsistent or conflicting requirements. In addition, areas of the current regulations needing clarification or flexibility have been identified, as well as content from the 2005 National School Transportation Specifications and Procedures and federal requirements for incorporation into the regulations.
- At its October 2007 meeting, the Board of Education approved the department to begin the regulatory revision process. At its November 2008 meeting, the Board accepted for first review proposed revisions to the regulations and approved the department to continue with the regulatory revision process. Key changes proposed in the first review version of the regulations included additional requirements for activity buses similar to those for yellow school buses, restrictions on daily driving hours and students standing on buses, changes to the daily pre-trip

safety inspection, changes to the bus preventive maintenance schedule, changes and clarifications to training requirements, and changes to crash reporting requirements.

- At its November 2008 meeting, the Board accepted for first review proposed revisions to the regulations and approved the department to continue with the regulatory revision process. Key changes proposed in the first review version of the regulations included additional requirements for activity buses similar to those for yellow school buses, restrictions on daily driving hours and students standing on buses, changes to the daily pre-trip safety inspection, changes to the bus preventive maintenance schedule, changes and clarifications to training requirements, and changes to crash reporting requirements.
- Initial executive branch review of the proposed regulations occurred during winter-spring 2009. The proposed regulations were published in the Virginia Register in August 2009 and posted on the Town Hall and department Web sites for a 60-day comment period from August 17 through October 16, 2009. Three public hearings were held across the state (Roanoke, Chesapeake, and Fairfax) in September 2009 to receive public comment. Comments were received from two regional transportation directors' groups, 12 school divisions, and one private company, local education association, private citizen, and school bus dealer. Most of the comments focused on the proposed changes to driving restrictions, standing on buses, student instruction on vehicle operation around buses, maintenance inspection schedules, crash reporting, route review, and pre-trip inspection requirements.
- At its May 2010 meeting, the Board accepted for second review proposed revisions to the regulations. The second review version of the regulations maintained most of the changes proposed in the first review version and reduced or streamlined the pre-trip inspection, preventive maintenance, crash reporting, and bus route review requirements. Due to further proposed changes to the regulations, the Board approved another 30-day public comment period on the proposed changes. The comment period was from June 7, 2010, to July 7, 2010. Comments were received from four school divisions, primarily focusing on proposed changes to the maintenance inspection requirements in the regulations.
- The major change proposed compared to the second review version is to 8VAC20-70-130 (Maintenance Inspection). The current Maintenance Inspection section requires school divisions to conduct bus maintenance inspections every 30 operating days or every 2,500 miles. After reviewing the comments received, and researching this requirement, the proposed change is to require maintenance inspections every 45 school days (with school days based on the school division's approved yearly calendar) or every 5,000 miles. Based on additional staff research, this change will not reduce the safety of the school buses being used to transport students. The proposed change is consistent with manufacturer recommended maintenance schedules, the current diagnostic technology present on school buses, and the maintenance schedules mandated in other states. In addition, the current daily pre-trip safety inspection provides additional safeguards on safe bus operation. Further, school divisions may realize cost savings due to the proposed change in the maintenance schedule.

Mr. Dickey recognized June Eanes, director of support services, and Michael Brown, associate director of transportation, for providing primary staff support in revising the regulations and working extensively with the local review committee, school divisions, and school bus industry.

Mrs. Beamer made a motion to adopt the *Regulations Governing Pupil Transportation* as the final version and authorize Department of Education staff to proceed with the remaining steps of the Administrative Process Act prior to the regulations becoming effective. The motion was seconded by Dr. McLaughlin and carried unanimously.

ACTION/DISCUSSION ITEMS

First Review of Proposed Revised Curriculum Framework for 2010 English Standards of Learning

Ms. Tracy Robertson, English coordinator, presented this item. Ms. Robertson said that new academic content *English Standards of Learning* were developed in 1995 and revised in 2002. The Standards of Quality require the Board of Education to review the Standards of Learning on a regular schedule. The *English Standards of Learning* were scheduled for review in 2010. As a result, on January 15, 2009, the Board approved a plan to complete the review and revision of these standards and the companion Curriculum Framework during 2010. On January 14, 2010, the Board approved the 2010 *English Standards of Learning*.

Ms. Robertson said that the major elements of the proposed revised Curriculum Framework for the 2010 *English Standards of Learning* include:

- Edits to enhance clarity, specificity, rigor, alignment of skills and content, and a reflection of the current academic research and practice;
- Emphasis on vertical alignment in grades 4-12;
- Addition of the media literacy content in the communication strand;
- Addition of the research strand beginning in grade four;
- Addition of the specific vocabulary standards in high school; and
- Addition of skills such as ethical behavior in gathering and using information, and the analysis and synthesis of information to solve problems.

Dr. Ward made a motion to accept for first review the proposed revised Curriculum Framework for the 2010 *English Standards of Learning*. The motion was seconded by Mrs. Castro and carried unanimously. The final review of the document will be presented to the Board at the meeting on November 18, 2010.

Dr. Wright recognized the following staff in the Instruction Division: Tracy Robertson, English coordinator and project leader, Tom Santangelo, elementary English and reading specialist, Dr. Mark Allan, director of standards, curriculum and instruction and Dr. Linda Wallinger, superintendent of the instruction division.

First Review of Proposed Revised Curriculum Framework for 2010 Science Standards of Learning

Ms. Paula Klonowski, science coordinator, presented this item. Ms. Klonowski acknowledged Barbara Young, elementary science specialist, the Student Assessment staff, and Dr. Mark Allan.

Ms. Klonowski said that the new academic content *Science Standards of Learning* were developed in 1995 and revised in 2003. The Standards of Quality require the Board of Education to review the Standards of Learning on a regular schedule. The *Science Standards of Learning* were scheduled for review in 2010. As a result, on January 15, 2009, the Board approved a plan to complete the review and revision of these standards and the companion Curriculum Framework during 2010.

Ms. Klonowski said that the major elements of the proposed revised Curriculum Framework for the 2010 *Science Standards of Learning* include:

- Specificity and clarity of the scope and intent of each of the 2010 *Science Standards of Learning*;
- Instructional focus for the nature of science;
- Organizational change to structure of high school framework and inclusion of student expectations; and
- Increased emphasis on the inclusion of STEM applications to content.

Dr. Ward made a motion to accept for first review the proposed revised Curriculum Framework for the 2010 *Science Standards of Learning*. The motion was seconded by Dr. McLaughlin and carried unanimously.

First Review of the Annual Measurable Objectives in Reading and Mathematics from 2010-2011 through 2013-2014 for Virginia's Consolidated State Application Accountability Plan under the No Child Left Behind Act of 2001

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that Virginia received final approval on July 29, 2010, from the United States Department of Education (USED) for the revisions to its accountability workbook submitted by the Board of Education on June 24, 2010. Approval of the revised workbook allows Virginia to maintain its Annual Measurable Objectives (AMOs) for reading and mathematics at 81 percent for reading and 79 percent for mathematics for the 2010-2011 school year based on Adequate Yearly Progress (AYP) results from 2009-2010.

On August 23, 2010, USED informed the Virginia Department of Education that while USED maintains its approval for holding the targets for 2010-2011, a "To Be Determined" (TBD) status, presently stated in the workbook, is not acceptable for the remaining years through 2013-2014. USED has requested that Virginia set intermediate targets and a final target in 2013-2014 of 100 percent for both subjects. Virginia can, however, submit a waiver request

to USED in any year to change the established intermediate targets. In addition, based on guidance provided by USED in 2006, states may modify their AMOs to ensure a smooth transition when changes in the test program occurs. Virginia will implement new mathematics tests in 2011-2012 and new reading tests in 2012-2013.

Virginia's AMOs for 2001-2002 to 2009-2010

Year	Reading			Mathematics		
	Approved 2003	Approved 2005	Revised 2010	Approved 2003	Approved 2005	Revised 2010
2001-2002	60.7	60.7	60.7	58.4	58.4	58.4
2002-2003	61	61	61	59	59	59
2003-2004	61	61	61	59	59	59
2004-2005	70	65	65	70	63	63
2005-2006	70	69	69	70	67	67
2006-2007	70	73	73	70	71	71
2007-2008	80	77	77	80	75	75
2008-2009	80	81	81	80	79	79
2009-2010	80	85	81	80	83	79

Section 1111 (H)(iii) of Public Law 107-110 of the *No Child Left Behind Act of 2001* states that intermediate targets for annual yearly progress can be maintained for up to three years without an increase in the targets. Reauthorization of the law is anticipated by 2012-2013. In addition, as noted above, Virginia will administer new mathematics tests in 2011-2012 and new reading tests in 2012-2013. As the new tests are implemented, Virginia will continue to pursue the development of a growth measure that can be used as a part of its AYP calculations.

The following options for annual proficiency targets are being proposed to replace the TBD status presently listed in Virginia's approved accountability workbook based on: 1) a review of Virginia's current data; 2) guidance provided in the NCLB law for establishing targets; 3) new mathematics and reading tests available in the next several years; and 4) anticipated reauthorization of the law.

Proposed Annual Proficiency Targets (Annual Measurable Objectives) in Reading and Mathematics between 2010-2011 and 2013-2014

Option 1

Year	Reading			Mathematics		
	Approved 2003	Approved 2005	Revised 2010	Approved 2003	Approved 2005	Revised 2010
2010-2011	90	89	82	90	87	80
2011-2012	90	93	82	90	91	80
2012-2013	90	97	82	90	95	80
2013-2014	100	100	100	100	100	100

Option 2

Year	Reading			Mathematics		
	Approved 2003	Approved 2005	Revised 2010	Approved 2003	Approved 2005	Revised 2010
2010-2011	90	89	82	90	87	81
2011-2012	90	93	82	90	91	81
2012-2013	90	97	82	90	95	81
2013-2014	100	100	100	100	100	100

Option 3

Year	Reading			Mathematics		
	Approved 2003	Approved 2005	Revised 2010	Approved 2003	Approved 2005	Revised 2010
2010-2011	90	89	82	90	87	80
2011-2012	90	93	83	90	91	81
2012-2013	90	97	84	90	95	82
2013-2014	100	100	100	100	100	100

Mrs. Castro made a motion to receive for first review the annual proficiency targets (Annual Measurable Objectives) in reading and mathematics from 2010-2011 through 2013-2014 for Virginia’s Consolidated State Application Accountability Plan under the *No Child Left Behind Act of 2001*. The motion was seconded by Mr. Foster and carried unanimously.

First Review of Multidivision Online Providers Approval Process: List of Accreditation Agencies

Mr. Lan Neugent, assistant superintendent for technology, career and adult education, presented this item. Mr. Neugent said that after careful research, a list of agencies were chosen as those which are most highly qualified to provide accreditation to entities that provide online courses and programs for K-12 students in Virginia’s public schools.

Dr. McLaughlin made a motion to accept for first review the list of accreditation programs recommended for approval. The motion was seconded by Mrs. Beamer and carried unanimously.

The Accreditation Programs are as follows:

- AdvancEd (formerly Commission on International and Trans-Regional Accreditation [CITA], North Central Association Commission on Accreditation and School Improvement [NCA CASI], and Southern Association of Colleges and Schools Council on Accreditation and School Improvement [SACS CASI])
- Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools
- New England Association of Schools and Colleges (NEASC)
- Northwest Accreditation Commission (NWAC) (formerly Northwest Association of Accredited Schools)
- Western Association of Schools and Colleges (WASC)
- Virginia Council for Private Education (VCPE)

School divisions operating as multidivision online providers may be deemed as meeting accreditation requirements if a majority of its schools are fully accredited by the Virginia Board of Education.

First Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: Advisory Committee on Adult Education and Literacy, State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, and the Advisory Board on Teacher Education and Licensure

Dr. Margaret Roberts, executive assistant to the Board of Education, presented this item. Dr. Roberts said that the Board of Education has six advisory committees, five of which have vacancies for the three-year term of October 2010 to June 2013. Two advisory committees require specific categories for membership. The categories are set by the *Code of Virginia* or by state or federal regulation. In addition, the Board's bylaws permit persons to be reappointed to a second term.

Superintendent's Memo number 169-10 dated July 23, 2010, announced the call for nominations to fill the current advisory committee vacancies. The call for nominations was sent to public school principals, statewide education organizations, interest groups, advocates, and individuals who had expressed interest. This information was also posted on the Board of Education's Web page. The deadline for submission was August 27, 2010.

Following the close of the nomination period, the nominations were reviewed. Persons recommended for appointment or reappointments were selected based upon qualifications and on the required categories for membership (if applicable). It is important to note that every attempt was made to balance the membership by geographic region as well as gender and ethnicity.

Dr. Ward made a motion to waive first review and adopt the list of nominees recommended for appointment to Board of Education advisory committees for the 2010-2013 term. The motion was seconded by Dr. Cannaday and carried unanimously.

The list of nominees recommended for appointment or reappointment to the 2010-2013 term are as follows:

Advisory Board on Teacher Education and Licensure

- Ms. Janice Underwood, Secondary Special Education Teacher, Hampton City
- Dr. James Roberts, Division Superintendent, Chesapeake City
- Dr. Cathy Fisher, Higher Education (Independent), to fill an unexpired term 7/1/2009- 6/30/2012
- Ms. Ruth Wallace, School Board Member, Botetourt, to fill an unexpired term 7/1/2009- 6/30/2012
- Ms. Angela Turley, Elementary School Teacher, reappointment to a second term
- Ms. Tracey Dingus, Middle School Teacher, Bristol City, reappointment to a second term

State Special Education Advisory Committee

- Dr. Scott R. Kizner, Division Superintendent, Harrisonburg City, Local Education Official
- Ms. Judy Averill, Transition Coordinator, Chesterfield County Schools, Representative of Transition/CTE; reappointment to a second term
- Ms. Suzanne Bowers, Parent: Region 4, reappointment to a second term
- Ms. Mona Holmes, Parent: Region 5, reappointment to a second term
- Ms. Christina Draper, Person with a Disability, reappointment to a second term

Advisory Committee on Adult Education and Literacy

- Dr. Thomas Brewster, Assistant Superintendent, Pulaski County Public Schools and chair, Virginia Career Education Foundation

Career and Technical Education Advisory Committee

- Ms. Anne Carson, Region 1, President-Elect of the Virginia PTA, Glen Allen
- Mr. Robert Mayfield, Region 5, Plant Manager – Tenaska, Scottsville, Virginia
- Ms. Karen DeRoche Black, Region 2, Technology Academy Coordinator for Chesapeake City Public Schools

Virginia Advisory Committee for the Education of the Gifted

- Dr. Matthew J. Edinger, Adjunct Assistant Professor of Gifted Education, University of Richmond, Richmond
- Ms. Amy S. Lamb, K-12 Mathematics Specialist, Northumberland County Public Schools
- Ms. Beverly Catlin, Coordinator of Instruction, Charlottesville City Public Schools, reappointment to a second term
- Ms. Tomica Crosby, Teacher, Suffolk City Public Schools, reappointment to a second term
- Ms. Mary Jane Mutispaugh, Director of Instruction, Alleghany County Public Schools, reappointment to a second term
- Mrs. Diane Naff, Supervisor of Gifted Education, Montgomery County Public Schools, reappointment to a second term

First Review of the Board of Education's Comprehensive Plan: 2011-2016

Dr. Roberts also presented this item. Dr. Roberts said that the Board of Education's *Comprehensive Plan: 2007-2012* was adopted in 2007 and is currently in effect. The *Code* requires that the plan be reviewed and revised as needed every two years. The Board reviewed the current plan in 2009, with the understanding that the Board would do a more detailed review in 2010. The document describes the Board's current priorities. In addition to detailing the Board of Education's goals for public education in Virginia, the comprehensive plan contains timelines and activities related to implementing the various components of the goals. Since the six-year plan was adopted in 2007, the activities and strategies associated with the goals have been completed or are now substantially underway.

Dr. Roberts said that the draft document contains information that addresses the various components of the plan that are required by the *Code*, including the Board's goals for public education, a forecast of enrollment changes, and an assessment of the needs of public education in the Commonwealth.

An assessment of the extent to which goals are being achieved will be contained in the Board of Education's *Annual Report on the Condition and Needs of Public Schools in Virginia*, which will be presented to the Board for first review at its meeting on October 28, 2010. Department staff will begin the data analysis that will be necessary to link the contents of the Board of Education's *Annual Report on the Condition and Needs of Public Schools* to the measures contained in the comprehensive plan. The data analysis in the annual report will be used to assess progress in meeting goals stated in the comprehensive plan.

After the vision and mission statements, goals, strategies, and measures are revised to the Board's satisfaction, these components will be inserted in appropriate places in the draft, which will be broadly disseminated for public comment. The final draft will then be prepared for the Board's consideration and adoption in early 2011.

During the discussion of the draft document, the members of the Board agreed that they wished to hold a work session in the near future to discuss the contents of the plan in depth.

Dr. Cannaday made a motion to receive the draft for first review and authorize staff to take the following actions:

1. Incorporate into the text the revisions agreed to at the September 23rd meeting;
2. Make editorial adjustments throughout the review period, as may be necessary;
3. Disseminate the plan for a 45-day public comment period;
4. Incorporate additional revisions agreed to by the Board of Education;
5. Summarize the public comment and incorporate comments and suggestions into the text, as agreed to by the Board; and
6. Present the document to the Board for final review and adoption in early 2011.

The motion was seconded by Mrs. Castro and carried unanimously.

Report on the Memorandum of Understanding for Petersburg City Public Schools to Include Compliance with the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) (8 VAC 20-131-315)

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item. Representatives from Petersburg City Public Schools were Dr. Alvera Parrish, superintendent, and Mr. Kenneth Pritchard, board president.

Mrs. Loving-Ryder said that the Petersburg City Public Schools completed an application for federal 1003(g) funds and funding was subsequently approved for \$3,766,697 for Peabody Middle School, Vernon Johns Junior High School, A. P. Hill Elementary School, and J.E.B. Stuart Elementary School from July 1, 2010, to September 30, 2013. At this time, 126 students are enrolled in the smaller learning community at Peabody Middle School and there are four open slots. Fifty-three (53) students are enrolled at Vernon Johns Junior High School at eighth grade and there are seven open slots. At ninth grade for English, there are 81 students scheduled for three blocks of a 4x4 block schedule.

For the 2010-2011 school year, based on assessments in 2009-2010, Petersburg City Public Schools has four *Fully Accredited* schools: Petersburg High School, Robert E. Lee Elementary, Vernon Johns Junior High and J.E.B. Stuart Elementary. Two schools remain in *Accreditation Denied* status: Peabody Middle School, and J.E.B. Stuart Elementary School. A. P. Hill Elementary, in *Accreditation Denied* status in 2008-2009, but *Fully Accredited* in 2009-2010, returned to *Accredited with Warning* status in 2010-2011.

Adequate Yearly Progress (AYP)

In 2008-2009, four schools made AYP under NCLB. In 2010, no schools made AYP.

School	2007-2008	2008-2009	2009-2010	Status for English	Status for Mathematics	Federal Graduation Index
A. P. Hill Elementary	Did Not Make AYP	Made AYP	Did Not Make AYP	Year 3	Not in Improvement	
J.E.B. Stuart Elementary	Did Not Make AYP	Did Not Make AYP	Did Not Make AYP	Year 6	Year 2	
Peabody Middle	Did Not Make AYP	Did Not Make AYP	Did Not Make AYP	Year 6	Year 1	
Petersburg High	Did Not Make AYP	Made AYP	Did Not Make AYP	Not in Improvement	Not in Improvement	Four Years 52 Five Years 51
Robert E. Lee Elementary	Did Not Make AYP	Made AYP	Made AYP	Not in Improvement	Not in Improvement	
Vernon Johns Junior High	Did Not Make AYP	Did Not Make AYP	Did Not Make AYP	Year 7	Year 8	
Walnut Hill Elementary	Did Not Make AYP	Made AYP	Did Not Make AYP	Not in Improvement	Not in Improvement	

Unadjusted* AYP Scores for Standards of Learning Assessments

English

School	2007-2008	2008-2009	2009-2010
A. P. Hill Elementary	61.46%	80.65%	60.37%
J.E.B. Stuart Elementary	69.02%	75.94%	63.86%
Peabody Middle	51.77%	64.16%	66.96%
Petersburg High	87.06%	90.09%	90.69%
R. E. Lee Elementary	77.83%	81.00%	76.64%
Vernon Johns Junior High	58.14%	62.05%	72.92%
Walnut Hill Elementary	72.07%	85.18%	78.40%

Mathematics

School	2007-2008	2008-2009	2009-2010
A. P. Hill Elementary	63.67%	80.16%	65.91%
J.E.B. Stuart Elementary	73.24%	64.01%	77.20%
Peabody Middle	40.67%	46.71%	58.33%
Petersburg High	68.60%	85.94%	84.45%
R. E. Lee Elementary	77.00%	83.05%	86.22%
Vernon Johns Junior High	50.31%	88.86%	85.66%
Walnut Hill Elementary	64.07%	81.19%	83.66%

Science

School	2007-2008	2008-2009	2009-2010
A. P. Hill Elementary	61.83%	74.02%	53.63%
J.E.B. Stuart Elementary	68.24%	58.64%	73.97%
Peabody Middle	66.46%	N/A	N/A
Petersburg High	63.60%	83.58%	91.35%
R. E. Lee Elementary	75.42%	88.39%	82.70%
Vernon Johns Junior High	71.09%	68.22%	77.68%
Walnut Hill Elementary	70.33%	73.11%	82.91%

History

School	2007-2008	2008-2009	2009-2010
A. P. Hill Elementary	60.60%	81.16%	73.33%
J.E.B. Stuart Elementary	75.86%	88.65%	79.45%
Peabody Middle	45.64%	62.77%	62.68%
Petersburg High	75.54%	91.18%	94.19%
R. E. Lee Elementary	75.86%	89.90%	88.80%
Vernon Johns Junior High	58.05%	69.93%	75.29%
Walnut Hill Elementary	59.22%	84.61%	87.06%

*An unadjusted pass rate is the percent of students demonstrating proficiency on the Standards of Learning Assessment without adjustments as allowed by the Standards of Accreditation or by No Child Left Behind.

Dr. Parrish said that Petersburg Public Schools chose Cambridge Education as its Lead Turnaround Partner and currently they are focused on the initiatives at Vernon Johns Junior High School and Peabody Middle School. Dr. Wright commended Petersburg for following through with the MOU.

The Board received the report for Petersburg City Public Schools.

Report on the Memorandum of Understanding for Sussex County Public Schools in Accordance with Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) (8 VAC 20-131-315)

Mrs. Loving-Ryder also presented this item. Representing Sussex County Public Schools was Dr. Charles Harris, the superintendent.

Mrs. Loving-Ryder's report included the following:

- Sussex County Public Schools has two schools currently identified as persistently low-achieving as defined by the State Fiscal Stabilization Fund (SFSF) – Phase II requirements: Sussex Central Middle School (Tier 1) and Ellen W. Chambliss Elementary (Tier I).
- Sussex County Public Schools selected Cambridge Education as its Lead Turnaround Partner. Both schools have selected to implement the restart model, one of four approved USED models. The Sussex County Public Schools completed an application for 1003(g) funds and funding was subsequently approved for \$2,637,500 for Ellen W. Chambliss Elementary and Sussex Central Middle School from July 1, 2010, to September 30, 2013.
- For the 2010-2011 school year, based on assessments in 2009-2010, Sussex County Public Schools has three schools fully accredited: Sussex Central Middle School, Sussex Central High School, and Jefferson Elementary. Ellen W. Chambliss Elementary remains in *Accreditation Denied* status. Since this school has a status of *Accreditation Denied*, the MOU for division level academic review will serve as the MOU to satisfy Section 8 VAC 20-131-315.
- In 2008-2009, four schools made AYP under NCLB. In 2010, three schools made AYP: Jefferson Elementary School, Sussex Central High, and Sussex Central Middle School. Ellen W. Chambliss entered school improvement for English.

School	2007-2008	2008-2009	2009-2010	Status for English	Status for Mathematics	Federal Graduation Index
Ellen W. Chambliss Elementary	Made AYP	Did Not Make AYP	Did Not Make AYP	Year 1	Not in Improvement	
Jefferson Elementary	Made AYP	Did Not Make AYP	Made AYP	Not in Improvement	Not in Improvement	
Sussex Central High	Did Not Make AYP	Made AYP	Made AYP	Not in Improvement	Not in Improvement	Four Year 62 Five Year 65
Sussex Central Middle	Made AYP	Did Not Make AYP	Made AYP	Year 4	Not in Improvement	

Unadjusted* AYP Scores for Standards of Learning Assessments

English

School	2007-2008	2008-2009	2009-2010
Ellen W. Chambliss Elementary	64.91%	60.00%	63.26%
Jefferson Elementary	84.44%	81.52%	80.64%
Sussex Central High	90.90%	87.65%	88.88%
Sussex Central Middle	76.28%	68.80%	77.55%

Mathematics

School	2007-2008	2008-2009	2009-2010
Ellen W. Chambliss Elementary	81.35%	56.06%	85.71%
Jefferson Elementary	81.31%	82.60%	93.54%
Sussex Central High	81.12%	80.74%	74.50%
Sussex Central Middle	72.44%	69.09%	72.85%

Science

School	2007-2008	2008-2009	2009-2010
Ellen W. Chambliss Elementary	72.88%	61.19%	81.25%
Jefferson Elementary	95.00%	81.96%	90.32%
Sussex Central High	72.95%	76.83%	77.65%
Sussex Central Middle	80.00%	80.76%	80.23%

History

School	2007-2008	2008-2009	2009-2010
Ellen W. Chambliss Elementary	84.21%	80.59%	83.33%
Jefferson Elementary	85.29%	82.14%	90.32%
Sussex Central High	87.75%	84.29%	84.26%
Sussex Central Middle	91.48%	56.14%	69.84%

*An unadjusted pass rate is the percent of students demonstrating proficiency on the Standards of Learning assessment without adjustments as allowed by the Standards of Accreditation or by No Child Left Behind.

The Board received the report from Sussex County Public Schools.

Report on Preliminary Analysis of Virginia's 2009 Mathematics Standards of Learning Compared to the Common Core State Standards in Mathematics

Mr. Michael Bolling, mathematics coordinator, presented this item. Mr. Bolling said that in February 2009, the Virginia Board of Education adopted revised *Mathematics Standards of Learning*, followed by adoption of the Mathematics Curriculum Framework on October 22, 2009.

In June 2010, the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) released the Mathematics Common Core State Standards. Since Achieve, the College Board, and ACT were partners with NGA and CCSSO, their earlier work with states in the ADP Network provided a foundation upon which the Common Core Standards were developed.

As such, Virginia's 2009 *Mathematics Standards of Learning* have a strong alignment to the Mathematics Common Core State Standards. Both the Common Core State Standards (CCSS) and the Virginia Standards of Learning (SOL) are rigorous and provide a detailed account of mathematics expectations for student learning and understanding. The content topics covered in both documents are clearly defined and sequential. By the time students have progressed into high school mathematics content through the CCSS or SOL, students have

received most of the same mathematical content delivered through different learning progressions. While learning progressions may not completely mirror one another, the content from both is aligned.

The Board received the Report on the Preliminary Analysis of Virginia's 2009 *Mathematics Standards of Learning* Compared to the Common Core State Standards in Mathematics. A final analyses will be presented to the Board in November following a review by K-12 educators.

Dr. Wright recognized Michael Bolling, mathematics coordinator, Dr. Deborah Wickham, elementary mathematics specialist, and the Student Assessment staff.

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.

EXECUTIVE SESSION

Dr. Ward made a motion to go into executive session under *Virginia Code* Section 2.2-3711.A.7, for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel. The motion was seconded by Dr. McLaughlin and carried unanimously. The Board went into executive session at 11:40 a.m.

Dr. Ward made a motion that the Board convene in open session. The motion was seconded by Mrs. Castro and carried unanimously. The Board reconvened at 1:07 p.m.

Mr. Johnson made a motion that the Board certify by roll-call vote that to the best of each member's knowledge, (1) only matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed and (2) only the matters identified in the motion to have the closed session were discussed. The motion was seconded by Mrs. Castro and carried unanimously.

Board's Roll call:

Mr. Foster – Yes	Mrs. Castro – Yes
Dr. Cannaday – Yes	Mr. Johnson – Yes
Dr. McLaughlin – Yes	Mr. Krupicka – Yes
Dr. Ward – Yes	Mrs. Beamer – Yes
Mrs. Saslaw – Yes	

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mrs. Saslaw adjourned the meeting at 1:08 p.m.

President