

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

January 13, 2011

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

Mrs. Eleanor B. Saslaw, President  
Dr. Ella P. Ward, Vice President  
Mrs. Betsy D. Beamer  
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***

Dr. Ward led in a moment of silence and Pledge of Allegiance.

***APPROVAL OF MINUTES***

Mrs. Castro made a motion to approve the minutes of the November 18, 2011, minutes 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.

***APPROVAL OF AGENDA***

The following changes were made to the agenda: *Item J, Final Review of Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools*, will be delayed until the February 17, 2011, Board meeting. *Item T, Report on the Review of Virginia's Textbook Adoption Process, the Virginia Studies Textbook Our Virginia: Past and Present, and Other Selected United States History Textbooks*, was moved to Item J on the agenda.

Mrs. Castro made a motion to approve the amended agenda. The motion was seconded by Dr. Ward and carried unanimously.

***RESOLUTIONS/RECOGNITIONS***

A Resolution of Appreciation for outstanding leadership and service to public education was presented to Dr. Ella P. Ward, member of the Virginia Board of Education, 2003-2011, and vice president, 2006-2011. The Resolution reads as follows:

**Resolution of Appreciation**

**Dr. Ella P. Ward  
Board of Education  
Member, 2003-2011  
Vice-President, 2006-2011**

**Whereas**, it is with profound respect for her professional and personal accomplishments that the members of the Board of Education thank Dr. Ella P. Ward for her distinguished service as a member and vice-president of this body; and

**Whereas**, Dr. Ward's tenure has provided strong, coherent, and effective leadership, having now served the longest term of elected office in the one-hundred-forty year history of the Virginia Board of Education; and

**Whereas**, because her legacy of service has led to vastly improved Standards of Quality, Standards of Accreditation, academic standards, and teacher licensure standards, Dr. Ward has earned respect and admiration for her public service that will remain of vital importance to public education in the Commonwealth; and

**Whereas**, Dr. Ward is especially recognized for her role as the Board of Education's liaison to the Advisory Board on Teacher Education and Licensure, thereby advocating for policies and programs that will continue to benefit excellence in teaching for Virginia's public schools;

**Now, Therefore, Be It Resolved** that the members of the Board of Education express their gratitude to Dr. Ella P. Ward for her excellent leadership, for her integrity, and for the professional manner in which she has performed her duties;

**Be It Further Resolved** that the members of the Board of Education extend their warmest best wishes to Dr. Ward for her continued good work in future endeavors filled with new opportunities for her excellent public service to the schoolchildren and citizens of this Commonwealth.

Presented in Richmond, Virginia, This Thirteenth Day of January in the Year 2011.

Signed by:  
Eleanor B. Saslaw, President  
Betsy D. Beamer  
Dr. Billy K. Cannaday, Jr.  
Isis M. Castro  
David M. Foster  
David L. Johnson  
K. Rob Krupicka  
Dr. Virginia L. McLaughlin  
Dr. Patricia I. Wright, Superintendent of Public Instruction

***PUBLIC COMMENT***

The following persons spoke during public comment:

Judy Begland  
Patrick Konopnicki  
Simon Nance  
Kandis Lucas  
Crystal Shin

***CONSENT AGENDA***

The motion was made by Mrs. Beamer, seconded by Dr. Ward and carried unanimously for approval of the consent agenda.

- Final Review of Financial Report on Literary Fund

***Final Review of Financial Report On Literary Fund***

The Department of Education's recommendation for approval of the financial report (including all statements) on the status of the Literary Fund as of September 30, 2010, was accepted by the Board of Education's vote on the consent agenda.

***ACTION/DISCUSSION: BOARD OF EDUCATION REGULATIONS***

***Final Review of Proposed Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 Vac 20-131) to Conform to HB 1199 By the 2010 General Assembly***

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the 2010 General Assembly passed House Bill 1199, which requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis. Mrs. Wescott said that it is the intent of the Board to develop guidelines that address submission procedures needed in order to implement this legislation. These guidelines would be included in the Board's *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

Mr. Krupicka made a motion to approve the amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, and authorize staff of the Department of Education to proceed with the remaining steps required by the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously. The amended language would say:

Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need for the waiver. In no event shall waivers be granted to the requirements of part III (8 VAC 20-131-30 through 8 VAC 20-131-60) of these regulations except that the Board of Education may provide for the waiver of certain graduation requirements in 8 VAC 20-131-50 (i) upon the Board's initiative or (ii) at the request of a local school board on a case-by-case basis in accordance with guidelines established by the Board.

**Final Review of the Proposed Revisions to the Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia**

Mrs. Wescott presented this item. Mrs. Wescott said that the guidelines would provide that the Board of Education may waive certain graduation requirements in 8 VAC 20-131-50 by resolution. The resolution shall specify the requirement(s) being waived and, if the waiver is time-limited, when the waiver would expire.

During the discussion, Mr. Foster made a motion to amend #3 of the guidelines to read as follows: A requirement that the local superintendent must notify the Superintendent of Public Instruction as soon as feasible when there is a situation that could potentially result in a *request for* a waiver, in order to explore options that might be available to permit the student to graduate without needing a waiver. The motion was seconded by Mrs. Castro and carried unanimously.

Dr. Ward made a motion to approve the guidelines. The motion was seconded by Mrs. Castro and carried unanimously. The guidelines are amended as follows:

1. Provisions for local school boards to submit to the Superintendent of Public Instruction, on behalf of the Board, requests for waivers of certain graduation requirements for a student.
2. A requirement that any local school board submitting a waiver must include an explanation of what requirements are requested to be waived and a justification, which shall include a statement of all efforts that the local school board has made to assist the student prior to the submission of the request to the Board.
3. A requirement that the local superintendent must notify the Superintendent of Public Instruction as soon as feasible when there is a situation that could potentially result in a request for a waiver, in order to explore options that might be available to permit the student to graduate without needing a waiver.
4. A provision that a waiver request may not be submitted more than 90 days prior to the date of graduation and, if possible, at least 15 days prior to graduation.

5. A provision allowing the Superintendent of Public Instruction to approve a waiver on behalf of the Board. The Superintendent will also report to the Board any waivers granted or denied.
6. Provisions for determining 'good cause', which would include, but not be limited to:
  - A catastrophic, sudden, or debilitating illness or injury suffered by the student late in his high school career; or
  - A sudden, unexpected requirement or event that causes a student's family to relocate to another state where the student is unable to complete graduation requirements in Virginia or the receiving state.
7. In no event shall a waiver be granted if that waiver substantially reduces or diminishes the integrity of the diplomas approved by the Board.
8. Graduation requirements that have been approved for a waiver shall be noted on a student's official academic record.

**First Review of the Proposed Regulations Governing the Operation of Private Schools for Students with Disabilities (8 VAC 20-671), and Repeal of the Regulations Governing the Operation of Private Day Schools for Students with Disabilities (8 VAC 20-670)**

Dr. Sandra Ruffin, director, office of federal program monitoring, division of special education and student services, presented this item. Dr. Ruffin recognized Carolyn Hodgins, monitoring specialist for Private Day Schools, for her assistance in drafting the proposed regulations.

Dr. Ruffin said that the proposed regulations were drafted in response to action of the 2008 General Assembly that amended sections of the *Code of Virginia* relating to group homes and residential facilities for children and relating to repeal of the *Standards for Interdepartmental Regulation of Children's Residential Facilities*.

Dr. Ruffin said that the Boards of each licensing agency, Department of Education, Social Services, and Behavioral Health and Developmental Services, were required to promulgate its own regulations. This change allows the Board of Education to promulgate new regulations for education programs to serve children with disabilities in both private residential facilities and private day schools. Upon final approval, the current *Regulations Governing the Operation of Private Day Schools for Students with Disabilities*, effective September 10, 2004, will be repealed. Previous action of the Board authorizes the department to proceed with the requirements of the Administrative Process Act to promulgate a single set of regulations for the operation of both private day schools and residential facilities.

Mrs. Castro made a motion to accept for first review the proposed regulations and authorize the Department of Education to proceed with the next steps of the regulatory process

under the Administrative Process Act and to make any minor technical or typographic changes that do not affect the substance of the regulations. The motion was seconded by Dr. McLaughlin and carried unanimously.

**First Review of the Proposed Regulations Governing Unexcused Absences and Truancy**

Dr. Cynthia Cave, director, office of student services, presented this item. Dr. Cave said that the purpose of the regulations is to provide consistency in the collection and reporting of school attendance data as well as guidance on student attendance policies.

The proposed regulations will also provide the necessary definitions and attendance data to be collected in order to report consistent and accurate data to the United States Department of Education (USED). The Virginia Department of Education (VDOE) collects the number of days a student is present, and in 2008 began collecting the number of unexcused absences as part of the Student Record Collection to comply with the reporting requirements for federal regulations, Section 4112 of the No Child Left Behind Act (NCLB).

Dr. Cave said that currently, unexcused absence data reported to the VDOE are based on the definition declared individually by the 132 school divisions. Data are unreliable and inconsistent, and do not provide valid information for accurate reporting, evaluation or analysis. These regulations would support consistency in data reporting and enable VDOE to report more accurate information to USED.

During the discussion, Board members asked for clarity on the following issues: (1) whether the family vacation would be considered an excused or unexcused absence, (2) when is the report from school divisions due to the Department of Education, (3) is it necessary for school divisions to report excused absences. Mr. Foster suggested adding “if the student misses any part of the instructional day” to the definition for both excused and unexcused absence.

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

***ACTION/DISCUSSION ITEMS***

**Final Review of a Report on Homebound Instructional Services in Response to HB 257 Passed by the 2010 General Assembly**

Mrs. Anne Wescott presented this item. Mrs. Wescott said that the 2010 General Assembly passed House Bill 257, which requires the Board of Education to review its *Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA)* as they relate to homebound instructional services. Currently 8 VAC 20-131-180.A of the SOA provides in part: Homebound instruction shall be made available to students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician or licensed clinical psychologist.

The delivery of homebound instructional services is the responsibility of the school divisions. To assist school divisions with the administration of the homebound instructional program, the Virginia Department of Education (VDOE) has issued Homebound Instructional Services Guidelines. These VDOE guidelines cover areas such as:

1. The eligibility for homebound services;
2. The initiation, review, and termination of services;
3. The role of the teacher, physician, and licensed clinical psychologist;
4. Suggested guidelines as to the number of hours of instruction to be provided at the elementary and secondary level;
5. The use of online instruction; and
6. Reimbursement of costs by the Commonwealth.

Mrs. Wescott said that in order to assist the Board in its review required by House Bill 257, the VDOE administered a short survey to solicit information about homebound instructional services offered by school divisions during the 2009-2010 academic year.

This survey was provided to school divisions in September 2010, and it asked general questions about the number of students referred for homebound services, whether complaints were received from parents about the homebound program, including the certification process, and whether school divisions had any suggested changes to the current structure of the homebound program. Ninety-one school divisions responded to this survey.

The Board of Education authorized a 30-day period of public comment on November 18. Twelve comments from individuals, school divisions, and organizations were received, including comments from JustChildren that included a petition with 50 signatures, many with comments. Only one commenter supported changing the regulation to allow additional health professionals to expanding the list of health professionals who could prescribe homebound services. Four commenters did not support any changes to the regulation. Most of the commenters spoke of their personal experience with homebound and home-based instruction, and many had recommendations for revisions to the guidelines.

Dr. McLaughlin made a motion that the Board take no action to amend regulations related to homebound services. The Department of Education will review its guidelines and revise them as may be necessary, and will continue to monitor this issue. The motion was seconded by Dr. Ward and carried unanimously.

***Final Review of the Criteria for Charter Schools, the Application for Charter Schools, and the Procedures for Receiving and Reviewing Charter School Applications***

Mrs. Anne Wescott presented this item. Mrs. Wescott said that House Bill 1390 and Senate Bill 737, passed by the 2010 General Assembly and signed by the Governor, amended the provisions in the *Code of Virginia* related to charter schools. The legislation requires a public charter school applicant to submit its proposed charter application to the Board of

Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board.

The legislation also provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Section 22.1-212.5 of the *Code of Virginia* defines a public charter school as “a public, nonreligious, or non-home-based alternative school located within a public school division. A public charter school may be created as a new public school or through the conversion of all or part of an existing public school; however, no public charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. A charter school for at-risk pupils may be established as a residential school.”

**§ 22.1-212.9. Review of public charter school applications.**

A. Public charter school applications shall be received and reviewed by the Board of Education and local school boards or, in the case of a regional public charter school, by all of the relevant school boards, as provided in subsection C.

The Board of Education and each local school board shall establish procedures for receiving, reviewing, and, in the case of local school boards, ruling upon applications. The Board of Education and local school boards shall post their procedures on their websites and make a copy of the procedures available to all interested parties upon request. If any such board finds the public charter school application is incomplete, the board shall request the necessary information from the charter applicant.

B. To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist local school boards in their decisions to grant or deny a public charter school application, local school boards shall establish a procedure for public notice and to receive comment on public charter school applications. A local school board shall give at least 14 days' notice of its intent to receive public comment on an application.

C. Prior to submission of an application to a local school board for review, the public charter school applicant shall submit its proposed charter application to the Board of Education for its review, comment, and a determination as to whether the application meets the approval criteria developed by the Board. The Board's review shall examine such applications for feasibility, curriculum, financial soundness, and other objective criteria as the Board may establish, consistent with existing state law. The Board's review and comment shall be for the purpose of ensuring that the application conforms to such criteria, and the Board shall make a determination as to whether the application meets the approval criteria developed by the Board. Nothing in this section shall prevent a local school division from working with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.

Section 22.1-212.8 of the *Code of Virginia* specifies what the public charter school application must include:

**§ 22.1-212.8. Charter application.**

...B. The public charter school application shall be a proposed agreement and shall include:

1. The mission statement of the public charter school that must be consistent with the principles of the Standards of Quality.
2. The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning.
3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.
4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.
5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by §22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.
6. A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.
7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.
8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.
9. A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.

10. An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees.
  11. An agreement between the parties regarding their respective legal liability and applicable insurance coverage.
  12. A description of how the public charter school plans to meet the transportation needs of its pupils.
  13. Assurances that the public charter school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.
  14. In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.
  15. [Expired.]
  16. Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.
- C. [Expired.]
- D. The charter applicant shall include in the proposed agreement the results of any Board of Education review of the public charter school application that may have been conducted as provided in subsection C of §22.1-212.9.

Mrs. Castro made a motion to approve the criteria, procedures, and application package for public charter schools. The motion was seconded by Mrs. Beamer and carried unanimously.

The criteria for public charter schools are as follows:

**Virginia Board of Education  
Criteria for Public Charter Schools**

- The mission statement of the public charter school must be consistent with the principles of the Standards of Quality.
- The goals and educational objectives to be achieved by the public charter school must meet or exceed the Standards of Learning.
- There must be evidence that an adequate number of parents, teachers, pupils, or any combination thereof, supports the formation of a public charter school.
- There must be evidence of the need for the charter school in the school division (or relevant school divisions in the case of a regional public charter school), or in a geographic area within a school division (or relevant school divisions, as the case may be) as documented in the statement of need.

- There must be a description of the public charter school's:
  - ✓ Educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality;
  - ✓ Any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by §22.1-253.13?3; and
  - ✓ The timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.
- There must be a description of the lottery process to be used to determine enrollment. A lottery process must also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions. (Reference: §22.1-212.6 of the *Code of Virginia*.)
- There must be evidence that the plan for the public charter school is economically sound for both the public charter school and the school division (or relevant school divisions, as the case may be), including:
  - ✓ A proposed budget for the term of the charter;
  - ✓ A description of the manner in which an annual audit of the financial and administrative operations of the public charter school; and
  - ✓ Information about any services to be provided by the school division (or relevant school divisions, as the case may be).
- There must be a plan for:
  - ✓ The displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school if the charter school is converted from an existing public school to a public charter school, and
  - ✓ The placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter. (Reference: §22.1-212.12, *Code of Virginia*.)
- There must be a description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school. (Reference: §22.1-212.7, *Code of Virginia*.)
- There must be an explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees. (References: §22.1-212.13, §22.1-296.1 and §22.1-296.2, *Code of Virginia*.)
- There must be an agreement between the parties regarding their respective legal liability and applicable insurance coverage. (References: §22.1-212.16, *Code of Virginia*.)
- There must be a description of how the public charter school plans to meet the transportation needs of its pupils.

- There must be assurances that the public charter school is nonreligious in its programs, admission policies, employment practices, and all other operations.
- There must be an assurance that the public charter school does not charge tuition.
- In the case of a residential charter school for at-risk students, there must be a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.
- There must be disclosure of any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

**Final Review of the Application for College Partnership Laboratory Schools, and the Procedures for Receiving, Reviewing, and Ruling on College Partnership Laboratory School Application**

Mrs. Wescott presented this item. Mrs. Wescott said that House Bill 1389 and Senate Bill 736 passed by the 2010 General Assembly and signed by the Governor, added sections to the *Code of Virginia* providing for the establishment of college partnership laboratory schools.

Section 23-299 of the *Code of Virginia* defines a college partnership laboratory school as “a public, nonsectarian, nonreligious school established by a public institution of higher education that operates a teacher education program approved by the Virginia Board of Education (Board).” College partnership laboratory schools are public schools established by contract between the governing board of a college partnership laboratory school and the Board of Education. The members of the governing board are selected by the institution of higher education establishing the college partnership laboratory school.

As provided in §23-299 of the *Code*, a college partnership laboratory school may be established to:

- Stimulate the development of innovative programs for preschool through grade twelve students;
- Provide opportunities for innovative instruction and assessment;
- Provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure;
- Encourage the use of performance-based educational programs;
- Establish high standards for both teachers and administrators;
- Encourage greater collaboration between education providers from preschool to the postsecondary level; and
- Develop models for replication in other public schools.

Section 23-299.4 of the *Code* specifies the essential elements of the proposed school plan. It says:

**§ 23-299.4. College partnership laboratory school application.**

A. Any public institution of higher education operating within the Commonwealth and having a teacher education program approved by the Board of Education may submit an application for formation of a college partnership laboratory school.

B. Each college partnership laboratory school application shall provide or describe thoroughly all of the following essential elements of the proposed school plan:

1. An executive summary;
2. The mission and vision of the proposed college partnership laboratory school, including identification of the targeted student population;
3. The proposed location of the school;
4. The grades to be served each year for the full term of the contract;
5. Minimum, planned, and maximum enrollment per grade per year for the term of the contract;
6. Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team;
7. The school's proposed calendar and sample daily schedule;
8. A description of the academic program aligned with state standards;
9. A description of the school's educational program, including the type of learning environment (such as classroom-based or independent study), class size and structure, curriculum overview, and teaching methods;
10. The school's plan for using internal and external assessments to measure and report student progress in accordance with the Standards of Learning;
11. The school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students, including but not limited to compliance with applicable laws and regulations;
12. A description of co-curricular and extracurricular programs and how they will be funded and delivered;
13. Plans and timelines for student recruitment and enrollment, including lottery procedures if sufficient space is unavailable;
14. The school's student disciplinary policies, including those for special education students;

15. An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies (such as advisory bodies or parent and teacher councils), Board of Education, and any external organizations that will play a role in managing the school;
16. A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;
17. A staffing chart for the school's first year and a staffing plan for the term of the contract;
18. Plans for recruiting and developing school leadership and staff;
19. The school's leadership and teacher employment policies, including performance evaluation plans;
20. A plan for the placement of college partnership laboratory school pupils, teachers, and employees upon termination or revocation of the contract;
21. Explanation of any partnerships or contractual relationships central to the school's operations or mission;
22. The school's plans for providing transportation, food service, and all other significant operational or ancillary services;
23. Opportunities and expectations for parent involvement;
24. A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;
25. Description of the school's financial plan and policies, including financial controls and audit requirements;
26. A description of the insurance coverage the school will obtain;
27. Start-up and five-year budgets with clearly stated assumptions;
28. Start-up and first-year cash-flow projections with clearly stated assumptions;
29. Evidence of anticipated fundraising contributions, if claimed in the application;
30. A sound facilities plan, including backup or contingency plans if appropriate; and
31. Assurances that the college partnership laboratory school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.

The purposes of the college partnership laboratory school application are to present the proposed school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the proposed vision and plans, and provide the Board of Education a clear basis for assessing the applicant's plans and capacities....

Section 23-299.5 of the *Code* requires the Board to establish procedures for receiving, reviewing, and ruling on applications. It says:

**§ 23-299.5. Review of college partnership laboratory school applications.**

A. The Board of Education shall establish procedures for receiving, reviewing, and ruling upon applications and shall make a copy of any such procedures available to all interested parties upon request. If the Board finds the application is incomplete, the Board shall request the necessary information from the applicant. The Board of Education's review procedures shall establish a review committee that may include experts with the operation of similar schools located in other states.

B. To provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist the Board of Education in its evaluation of a college partnership laboratory school application, the Board of Education may establish a procedure for public notice, comment, or hearings on such applications.

Mr. Foster made a motion to approve the criteria, procedures, and application package for college partnership laboratory schools. The motion was seconded by Dr. McLaughlin and carried unanimously.

The criteria for college partnership laboratory schools are as follows:

**Virginia Board of Education  
Criteria for College Partnership Laboratory Schools**

- The mission and vision of the proposed college partnership laboratory school, including identification of the targeted student population.
- The proposed location of the school.
- The grades to be served each year for the full term of the contract.
- Minimum, planned, and maximum enrollment per grade per year for the term of the contract.
- Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team.
- The school's proposed calendar and sample daily schedule.
- A description of the academic program aligned with state standards.
- A description of the school's educational program, including the type of learning environment (such as classroom-based or independent study), class size and structure, curriculum overview, and teaching methods.
- The school's plan for using internal and external assessments to measure and report student progress in accordance with the Standards of Learning.

- The school's plans for identifying, evaluating and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students, including but not limited to compliance with applicable laws and regulations.
- A description of co-curricular and extracurricular programs and how they will be funded and delivered.
- Plans and timelines for student recruitment and enrollment, including lottery procedures if sufficient space is unavailable.
- The school's student disciplinary policies, including those for special education students.
- An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies (such as advisory bodies or parent and teacher councils), Board of Education, and any external organizations that will play a role in managing the school.
- A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart.
- A staffing chart for the school's first year and a staffing plan for the term of the contract.
- Plans for recruiting and developing school leadership and staff.
- The school's leadership and teacher employment policies, including performance evaluation plans.
- A plan for the placement of college partnership laboratory school pupils, teachers, and employees upon termination or revocation of the contract.
- Explanation of any partnerships or contractual relationships central to the school's operations or mission.
- The school's plans for providing transportation, food service, and all other significant operational or ancillary services.
- The school's leadership and teacher employment policies, including performance evaluation plans.
- A plan for the placement of college partnership laboratory school pupils, teachers, and employees upon termination or revocation of the contract.
- Explanation of any partnerships or contractual relationships central to the school's operations or mission.
- The school's plans for providing transportation, food service, and all other significant operational or ancillary services.
- Opportunities and expectations for parent involvement.
- A detailed school start-up plan, identifying tasks, timelines, and responsible individuals.
- Description of the school's financial plan and policies, including financial controls and audit requirements.
- A description of the insurance coverage the school will obtain.
- Start-up and five-year budgets with clearly stated assumptions.
- Start-up and first-year cash-flow projections with clearly stated assumptions.

- Evidence of anticipated fundraising contributions, if claimed in the application.
- A sound facilities plan, including backup or contingency plans if appropriate.
- Assurances that the college partnership laboratory school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.

The procedures for receiving, reviewing, and ruling on Virginia College Partnership Laboratory School application are as follows:

**Virginia Board of Education  
Procedures for Receiving, Reviewing, and Ruling on  
Virginia College Partnership Laboratory School Applications**

Submission of the Application

Applicants must adhere to the form prescribed by the Board of Education. The format provided addresses the application elements included in §23-299.4, *Code of Virginia*. Applications for college partnership laboratory schools should be submitted to the Board at least 12 months prior to the proposed opening day of the school.

Applications may be submitted electronically or by hard copy to the Executive Assistant for the Board of Education.

Technical Assistance

Prior to submitting an application, the applicant may seek technical assistance from the Virginia Department of Education (VDOE). VDOE staff will work with each applicant on a case-by-case basis in order to address individual needs.

Receipt of the Application

When the Board of Education receives an application, VDOE staff, on behalf of the Board, will send an acknowledgement to the applicant. VDOE will determine, on behalf of the Board, that an application is complete when all of the required application elements have been submitted in the required format.

If the application is deemed incomplete, the VDOE will notify the applicant within 15 business days of receipt of the application and request that the outstanding information be submitted within 30 business days of such notification to the applicant that additional information is needed.

If an applicant fails to respond to the initial request for additional information, the VDOE will contact the applicant and make a second request for any outstanding information. In this communication, VDOE will indicate that the application will not be considered for review by the Board's College Partnership Laboratory School Committee until all information is received. The applicant may withdraw his application at anytime during the initial process and resubmit it at a later time.

If the application is deemed complete by VDOE, it will be sent to the Board's College Partnership Laboratory School Committee members. The committee may appoint an advisory work group to review the application and provide the committee with technical expertise. The work group could include individuals with experience in the operation of similar schools located in other states.

The application will be posted on the VDOE Web site, and the committee will request public comment.

Review by the College Partnership Laboratory School Committee

The applicant and applicable representatives of the institution of higher education affiliated with the applicant must attend a meeting with the Board committee.

All meetings of the Board's College Partnership Laboratory School Committee are publicly noticed at: [http://www.doe.virginia.gov/boe/committees\\_standing/index.shtml#lab](http://www.doe.virginia.gov/boe/committees_standing/index.shtml#lab) and all meetings are open to the public.

At the meeting with the College Partnership Laboratory Committee, these representatives will be asked to discuss the contents of the application and address the committee members' questions. The committee shall request public comment or schedule public hearings on the application to provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist the Board in its evaluation of a college partnership laboratory school application.

#### Action by the Board of Education

Following the meeting of the applicant with the Board's College Partnership Laboratory Committee, VDOE will assist the committee in preparing a report to the full Board with the recommendation of the committee as to whether the application should be approved. A copy of the committee's report will be provided to the applicant within ten business days of the committee meeting. The report will be presented to the full Board at the next regularly scheduled Board meeting. The applicant will be requested to attend this meeting to answer questions or make comments on the application.

At this meeting, the Board will take one of the following actions:

1. The Board will render a decision that the application meets the Board's approval criteria.

Following action by the Board, the applicant will be formally notified by the VDOE of the Board's action within five business days. Concurrent with its notification to the applicant, the applicable public institution of higher education will also receive a formal notification of the Board's action.

2. The Board will render a decision that the application does not meet the Board's approval criteria.

The Board will provide the applicant with an opportunity to address any deficiencies in the application. The applicant may also withdraw his application at any time and resubmit it at a later date.

Following action by the Board, the applicant will be formally notified by the VDOE of the Board's action within five business days. Concurrent with its notification to the applicant, the applicable public institution of higher education will also receive a formal notification of the Board's action.

#### *Contract Execution*

Section 23-299.4, *Code of Virginia*, states that "Within 90 days of approval of a college partnership laboratory school application, the Board of Education and the governing board of the approved school shall execute a contract that clearly sets forth the academic and operational performance expectations and measures by which the college partnership laboratory school will be judged and the administrative relationship between the Board of Education and the college partnership laboratory school, including each party's rights and duties...."

As soon as the Board takes action to approve a college partnership laboratory school application, VDOE staff, on behalf of the Board, will begin working with the applicant on the terms of the contract so that it can be executed within the 90 day statutory timeline.

#### Renewals

Section 23-299.7, *Code of Virginia*, states that "A college partnership laboratory school may be approved or renewed for a period not to exceed five school years. The renewal application shall include the following:

1. A report on the progress made in achieving goals, objectives, programs, and performance standards for the students, and other conditions and terms specified by the Board upon granting initial approval.

2. A concise and clearly written financial statement which discloses the costs of administration, instruction, and other spending categories for the school. This information must be submitted on forms prescribed by the Board and must provide the Board with sufficient information that will enable the Board and the public to compare costs with those of other schools or comparable organizations.”

#### Revocations

The Board may revoke a contract if the college partnership laboratory school does any of the following or otherwise fails to comply with the *Code* requirements:

1. Commits a material and substantial violation of any of the terms, conditions, standards, or procedures required by the *Code* or the contract;
2. Fails to meet or make sufficient progress toward the performance expectation set forth in the contract;
3. Fails to meet generally accepted standards of fiscal management; or
4. Substantially violates any material provision of law or regulation from which the college partnership laboratory school was not exempted.

If the Board revokes or does not renew a college partnership laboratory school contract, the Board will state the reasons for the action in a Board resolution. The Board’s decision to approve or disapprove a college partnership laboratory application or to revoke or fail to renew an agreement is final and is not subject to appeal. The applicant may, however, submit an application again at a later date.

#### **Final Review to Reaffirm the 2009 Recommendations to the Standards of Quality**

Mrs. Anne Wescott presented this item. Mrs. Wescott said that during 2009, the Board conducted a review of the Standards of Quality and proposed policy directions, options for revisions to the Standards of Quality, and issues for further study, as follows:

#### Policy Directions

- Enhance the Standards of Quality so that the Commonwealth’s basic foundation program for K-12 public education reflects a comprehensive educational program of the highest quality.
- Provide clarity and greater transparency in SOQ funding with the goal of maintaining the Commonwealth’s commitment to public education funding at the state and local levels and encouraging a continued emphasis on school-based instructional services.
- Provide greater flexibility to school divisions in using noninstructional personnel funding for instructional support services.
- Support the appropriateness of establishing ratio standards for individual categories of “support service” positions as is the current practice used for instructional personnel.
- Advocate against permanent structural changes to the Standards of Quality that result in decreased funding for K-12 public education.

- Begin building a more comprehensive basic foundation program by including in the SOQ gifted, special education, and career and technical staffing ratios and certain incentive programs that have become core components of K-12 educational programs statewide and currently funded in the Appropriation Act.
- Set priorities for the Board's unfunded SOQ recommendations from previous years so that these instructional staffing standards can be fully implemented in future years.
- Begin to address the Board's school leadership priorities of requiring a principal in every school and increasing the number of assistant principals in schools with the greatest need.
- Mitigate the perverse incentive of reducing a school division's special education funding when it mainstreams students with disabilities into general education classrooms or uses Response to Intervention (RtI) and/or other instructional supports to reduce the number of students identified as needing special education services.
- Provide additional policy guidance and direction to school divisions offering alternative or nontraditional educational programs, such as the Individual Student Alternative Education Plan (ISAEP).

#### SOQ Language Revisions to Address Policy Directions

- Codify the Board of Education's recommendations that were included in the 2009 Appropriation Act providing flexibility in the use of existing funds for hiring reading specialists, mathematics specialists, data coordinators, and instruction of English language learners.
- Codify the provisions of the Early Intervention Reading Initiative and the Algebra Readiness program by including them in the Standards of Quality and requiring all school divisions to provide these interventions with funding currently appropriated for these incentive programs.
- Codify the Appropriation Act provision that the Standards of Quality includes a minimum of 58 licensed, full-time instructional positions per 1,000 students, including instructional positions for special education, gifted education, and career and technical education.
- Codify the staffing standards for special education (currently in regulations), gifted education (currently in the Appropriation Act), and career and technical education (currently in regulations).
- Provide school divisions the flexibility to deploy assistant principals to the schools with the greatest needs, so long as they employ a sufficient number of assistant principals divisionwide to meet the total number required in the current SOQ staffing requirement.
- Define the categories of personnel who make up "support services," and specify how those positions are funded, and require transparency in the use of funds by mandating

divisions publicly report the state and local amounts budgeted and expended for each category.

- Permit school divisions to use funds for support services to provide additional instructional services and include instructional services as a separate category to be reported publicly.

### Issues for Further Study

As resources become available, conduct a comprehensive study of the following complex funding issues and report the findings to the Governor and General Assembly for consideration as part of the Standards of Quality:

- The feasibility of converting the prevailing costs for each major category of the “support services” positions into ratios (for example, based on positions per 1,000 students), and including ratios for some or all of the categories in the Appropriation Act.
- The feasibility of establishing alternative staffing approaches to provide school divisions with additional instructional resources to address identified needs. This could include ratios based on positions per 1,000 students for assistant principals, school counselors, and library-media specialists that would reduce funding “cliffs.” It could also include assigning weights for students who may be at-risk and require additional support, including special education services, services to English language learners, and services to disadvantaged students.
- The feasibility of creating a special education incentive fund or other funding methodologies to mitigate the perverse incentive of reducing a school division’s special education funding when it mainstreams students with disabilities into general education classrooms or uses Response to Intervention (RtI) and/or other instructional supports to reduce the number of students identified as needing special education services.
- The feasibility of updating technology staffing ratios, taking into consideration the increased role of technology in instruction, assessment, and operations since staffing standards were first established in the SOQ.
- The feasibility of updating career and technical education staffing ratios, taking into consideration the (i.) implementation of new curricular pathways that require high-tech equipment and specialized instruction and (ii.) anticipated increased enrollments in CTE courses given the newly created standard technical and advanced technical diplomas.

It should be noted that the Board first recommended a reduction in speech-language pathologists’ caseload to the 2004 General Assembly, and has continued to make that recommendation. The Board has also recommended requiring a full-time principal in every elementary school, increasing the number of full-time assistant principals, requiring reading specialists and mathematics specialists, requiring data coordinators, and increasing staffing for students with visual impairments. The total cost of these additional positions is estimated to be \$214.6 million for FY 2012, based on calculations made in July 2009. The cost to reduce the

speech-language pathologists' caseloads from 68 to 60 is estimated to be \$5.2 million. However, funding has not been appropriated to support the cost of these additional positions.

As a first step toward implementing the 2009 recommendations, legislation is proposed which would do the following:

- Codify the Board of Education's recommendations that are included in the current Appropriation Act, which provides flexibility to school divisions to use existing funds for hiring reading specialists, mathematics specialists, data coordinators, and for the instruction of English language learners:
  1. Data Coordinators/Instructional Technology Resource Teachers – School divisions are permitted to use SOQ funds to employ: a) instructional technology resource teachers (required by the SOQ); or b) a data coordinator position; or c) a data coordinator/instructional resource teacher blended position;
  2. Reading Specialists - School divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund to employ reading specialists (provided for in the SOQ) to provide the required reading intervention services;
  3. Mathematics Specialists - School divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund to employ mathematics teacher specialists (provided for in the SOQ) to provide the required mathematics intervention services; and
  4. Services to English Language Learners - School divisions may use funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students;
- Provide school divisions with flexibility to deploy assistant principals to the schools with the greatest need, so long as they employ a sufficient number of assistant principals divisionwide to meet the total number required in the current SOQ staffing requirement;
- Define the categories of personnel who make up “support service positions”; and
- Permit school divisions to use state and local funds for support services to provide additional instructional services.

Dr. Ward made a motion to approve the reaffirmation of the 2009 Standards of Quality recommendations and the proposed legislation. The motion was seconded by Mrs. Beamer and carried unanimously. The Department of Education will prepare and submit a report to transmit the Board's recommendations and the proposed legislation to the Governor and to the 2011 General Assembly.

**Report on the Review of Virginia's Textbook Adoption Process, the Virginia Studies Textbook Our Virginia: Past and Present, and Other Selected United States History Textbooks**

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that the Board of Education's authority for approving textbooks and other instructional materials is prescribed in the Virginia Constitution and in the *Code of Virginia*.

*Virginia Constitution, Article VIII, § 5 (d)*

It [the Board of Education] shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

*Code of Virginia, § 22.1-238*

- A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.
- B. 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.
- C. For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

The Board of Education's regulations specify the types of materials that may be adopted.

*Regulations Governing Textbook Adoption, 8 VAC 20-220-30*

Only those materials which are designed to provide basic support for the instructional program of a particular content area at an appropriate level will be adopted.

Since 1995, the Department of Education has worked with state committees to review and evaluate publishers' submissions primarily with respect to Standards of Learning (SOL) correlation. Following each review, the Department of Education provides school divisions with a list of the instructional materials submitted and a profile of each submission that includes the degree of Standards of Learning correlation.

On March 29, 2007, the Board of Education approved the K-12 history and social science textbook and instructional materials review schedule, indicating that following approval of the revised *History and Social Science Standards of Learning* in 2008, the Department of Education would begin the textbook review process. On February 19, 2009, the Board approved the process to be used and a timeline for the history and social science textbook review during 2009, with final approval of the state textbook adoption list in 2010. The Department used the established review process and criteria to administer the state adoption process for the Board of Education.

On March 6, 2009, the Department of Education posted a Superintendent's Memorandum soliciting nominations of individuals to serve on committees to review K-12 history and social science textbooks and instructional materials. The Department requested

nominees who were teachers, principals, administrators, content specialists, or others who had expertise with the history content and the history SOL. Committee members were selected on the basis of expertise and experience in history and the social sciences and balanced regional representation. 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 on January 14, 2010.

A 30-day public comment period began on January 15, 2010, immediately after the Board's first review of the list of materials. The books were available for public review at local examination sites located at eight Virginia public universities and community colleges. One comment was received in the public comment mailbox from a teacher who questioned the expense of purchasing new textbooks at this time. Other comments received via e-mail addressed the following: 1) a request that textbook publishers include contributions of African Americans in history, literature, and science books; and 2) comments made on behalf of the Virginia Jewish community related to the quality, accuracy, and balance in the manner in which religions of the world were addressed in world history and geography textbooks.

The final review and the Board of Education's adoption of textbooks and instructional materials for K-12 history and social science occurred on March 18, 2010.

On October 19, 2010, the Virginia Department of Education received from a *Washington Post* reporter an inquiry related to the participation of African Americans in the Civil War. Specifically, the inquiry related to a sentence in a Board-approved textbook for Virginia Studies entitled *Our Virginia: Past and Present* published by Five Ponds Press that stated: "Thousands of Southern blacks fought in the Confederate ranks, including two black battalions under the command of Stonewall Jackson."

After extensive input from Civil War historians, on October 20, 2010, the Virginia Department of Education advised the Commonwealth's school divisions that the statement about black Confederate soldiers on page 122 of the textbook was outside accepted Civil War scholarship and did not reflect the content of the Commonwealth's academic standards for grade four Virginia Studies.

The Virginia Studies *History and Social Science Standard of Learning* that includes the Civil War is VS.7:

The student will demonstrate knowledge of the issues that divided our nation and led to the Civil War by

- a) identifying the events and differences between northern and southern states that divided Virginians and led to secession, war, and the creation of West Virginia;
- b) describing Virginia's role in the war, including identifying major battles that took place in Virginia;
- c) describing the roles played by whites, enslaved African Americans, free African Americans, and American Indians.

The companion curriculum framework for Virginia Studies VS.7c includes the following content:

- Whites, enslaved African Americans, free African Americans, and American Indians had various roles during the Civil War.
- Most white Virginians supported the Confederacy.
- The Confederacy relied on enslaved African Americans to raise crops and provide labor for the army. Many enslaved African Americans fled to the Union army as it approached and some fought for the Union.
- Some free African Americans felt their limited rights could best be protected by supporting the Confederacy.
- Most American Indians did not take sides during the Civil War.

The Virginia Department of Education's history and social science staff met with the Virginia Consortium of Social Studies Specialists and College Educators at its semiannual meeting on October 21, 2010, to discuss the textbook review process as it related to textbooks and instructional materials for fourth-grade Virginia Studies and to reinforce the importance of teaching the content in the Standards of Learning and the curriculum framework.

The publisher of *Our Virginia: Past and Present*, Five Ponds Press, indicated that it responded by sending stickers to cover the statement to school divisions that adopted the book. The publisher also sent an electronic version of the page that it said would replace page 122 in the 2011 edition of the textbook.

On October 29, 2010, *Superintendent's Memorandum #269-10* was released, advising Virginia's school divisions that technical edits to the 2008 History and Social Science Curriculum Framework had been made. The technical amendments clarified in more explicit terms the role of African Americans in the Civil War. In *United States History to 1865*, USI.9f, page 33, language was revised in the first four bullets under "Effects of the war on African Americans" as follows:

- African Americans fought in ~~both the Confederate and Union armies~~ army. Some African Americans accompanied Confederate units in the field.
- The Confederacy ~~often~~ used enslaved African Americans as ~~naval crew members and soldiers~~ ship workers, laborers, cooks, and camp workers.
- The Union moved to enlist African American sailors and soldiers ~~early~~ during ~~in~~ the war.
- African American soldiers were initially paid less than white soldiers.
- African American soldiers were discriminated against and served in segregated units under the command of white officers.
- Robert Smalls, an African American sailor and later a Union naval captain, was highly honored for his feats of bravery and heroism. He became a Congressman after the war.

Also in October 2010, the superintendent of public instruction, directed staff of the Virginia Department of Education to conduct a comprehensive review of the history and social science textbook adoption process and to identify recognized historians to review for factual accuracy (a) the Virginia Studies textbook in question and the U.S History to 1865 textbook adopted by the Board and published by the same company, and (b) Civil War-era content in the two other Virginia Studies textbooks on the state adoption list and all U.S. History to 1865 textbooks on the list. The Department of Education received offers from two university faculty members to assist with a review of the Virginia Studies textbook in question. Department staff also contacted three additional reviewers to assist with a review of the same editions of the books the review committees had received. The reviewers were as follows:

Reviewing *Our Virginia: Past and Present*:

- Dr. Ronald Heinemann (Retired: Hampden-Sydney College)
- Dr. Laurant L. Lee (Curator of African American History, Virginia Historical Society)
- Dr. Brent Tarter (Retired: Library of Virginia)

Reviewing Civil War-era content in the two other Virginia Studies textbooks on the Board of Education-approved list and all United States History to 1865 textbooks on the list:

- Dr. Christopher Einolf (DePaul University)

Reviewing *Our America: To 1865* (Five Ponds Press)

- Ms. Mary Miley Theobald (Retired: Virginia Commonwealth University)

In December 2010, the Department received the reviewers' comments and confirmed from them acknowledgment that their work would be publicly available.

On December 27, 2010, *The Washington Post* contacted the Department of Education for information on the results of the reviews by the university faculty and the next steps the Department intended to take. The *Post* story ran on December 28, 2010. The superintendent of public instruction followed with a statement that when school resumed after the holidays, school divisions would be alerted to the factual errors noted by the historians and scholars, and staff would provide guidance on how to ensure that classroom instruction would not be distorted by misinformation.

On January 3, 2011, the superintendent sent an e-mail to division superintendents with this information and informed them that the Board of Education would be asked to engage in additional discussion about how to improve the review process to reduce the possibility that factual errors would not be detected. Publishers of textbooks and instructional materials would likely need to contribute to this process by providing documentation that the books they submit have been reviewed by competent authorities who vouch for their accuracy. Finally, consideration must be given to the use of emerging technologies that are able to provide current and evolving information that is important to classroom instruction but may be beyond the scope of continuous review and approval by the Board of Education.

Mr. Foster made a motion that the Board of Education direct the Superintendent of Public Instruction:

- (1) to initiate on the Board's behalf a process to consider withdrawal of its approval of the textbooks "Our Virginia: Past and Present" (1st Ed.) and "Our America to 1865" (1st Ed.), published in each case by Five Ponds Press; and
- (2) to seek remedies from Five Ponds Press to help school divisions which have purchased those textbooks in replacing and/or correcting such textbooks as soon as possible, including pursuing any available assistance from and/or remedies involving the publisher; and
- (3) to obtain a review by qualified experts of any other textbooks published by Five Ponds Press that have been approved by the Board of Education; and
- (4) to present to the Board of Education for first review at its February 2011 meeting a detailed proposal to revise the Board's process for approving textbooks for purchase by school divisions to ensure that all textbooks approved are factually accurate, incorporating in such proposal a process for prior certification by publishers that each textbook submitted for approval has been reviewed for factual accuracy by qualified experts in the subject matter, and that the publisher will promptly remedy at its expense any substantial factual errors discovered thereafter.

The motion was seconded by Dr. Ward and carried unanimously.

**Final Review of Recommended Cut Scores for End-of-Course History Standards of Learning Tests Based on the 2008 History Standards**

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that in 2010-2011 new Standards of Learning (SOL) tests measuring the 2008 history content standards will be administered. Because of the changes in the content measured by these tests, new passing scores must be adopted by the Virginia Board of Education.

Consistent with the process used in 1998 and in 2003, committees of educators were convened to recommend to the Board of Education (BOE) minimum "cut" scores for the achievement levels of pass/ proficient and pass/advanced for the new tests. Committees for the four end-of-course history tests: World History I, World History II, Virginia and U.S. History, and World Geography met in early November. Standard setting committees for the remaining history tests will be convened in February.

Mrs. Loving-Ryder presented information to Board members about the range of cut scores recommended by the committees for the achievement levels of pass/proficient and pass/advanced for the SOL tests in World History I, World History II, Virginia and U.S. History, and World Geography.

Dr. Ward made a motion to adopt cut scores representing the achievement levels of pass/proficient and pass/advanced for the end-of-course World History I, World History II, Virginia and U.S. History, and World Geography SOL tests as follows:

- **Virginia and U.S. History:** **30** for proficient and **53** for advanced as recommended by the Articulation Committee
- **World History I:** **31** for proficient and **53** for advanced based on the Round 1 results of the standard setting committee
- **World History II:** **31** for proficient and **52** for advanced based on the Round 1 results of the standard setting committee
- **World Geography:** **33** for proficient based on Round 1 results of the standard setting committee + **2 standard errors of the median** and **54** for advanced based on the Round 1 results of the standard setting committee

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

Following the January 2011 Board of Education meeting, cut scores representing the achievement levels of pass/proficient and pass/advanced for the end-of-course World History I, World History II, Virginia and U.S. History, and World Geography SOL tests will be communicated to school divisions via superintendent's memorandum and to Pearson, Virginia's testing contractor so that scores resulting from the administration of these tests can be reported.

**Final Review of Proposed Guidelines for Policies on Concussions in Student-Athletes, Senate Bill 652 Passed by the 2010 General Assembly**

Dr. Mark Allan, director, office of standards, curriculum, and instruction, presented this item. Dr. Allan said that pursuant to Senate Bill 652, the 2010 General Assembly amended the *Code of Virginia* to include §22.1-271.5 directing the Board of Education to develop and distribute to local school divisions by July 1, 2011, guidelines for policies dealing with concussions in student-athletes, and requiring each local school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Senate Bill 652 also requires the Board of Education to define appropriate licensed health care providers authorized to evaluate and provide written clearance for return to play.

As specified in enactment clause three of SB 652, the Board of Education worked with the Virginia High School League, the Department of Health, the Virginia Athletic Trainers Association, representatives of the Children's Hospital of The King's Daughters and the Children's National Medical Center, the Brain Injury Association of Virginia, the American Academy of Pediatrics, the Virginia College of Emergency Physicians and other interested stakeholders in conducting the research necessary for the development of guidelines for concussions in student-athletes.

A 30-day public comment period began on November 18, 2010, following the Board of Education's acceptance of the Proposed Guidelines for Policies on Concussions in Student-Athletes for first review. As a result of public comment, proposed additional language in the guidelines addresses the academic needs and gradual reintroduction of cognitive demands for students who have sustained concussions.

Dr. McLaughlin made a motion to adopt the guidelines for policies on concussions in student-athletes. The motion was seconded by Mrs. Castro and carried unanimously.

The Guidelines for Policies on Concussions in Student-Athletes are as follows:

**Virginia Board of Education Guidelines for  
Policies on Concussions in Student-Athletes**

**Introduction**

Pursuant to Senate Bill 652, the 2010 General Assembly amended the *Code of Virginia* to include § 22.1-271.5 directing the Board of Education to develop and distribute to school divisions by July 1, 2011, guidelines for policies dealing with concussions in student-athletes, and requiring each school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. The full text of the legislation is available at the end of this document.

The goals of the Student-Athlete Protection Act (SB 652) are to ensure that student-athletes who sustain concussions are properly diagnosed, given adequate time to heal, and are comprehensively supported until they are symptom free. According to the Consensus Statement on Concussion in Sport (3<sup>rd</sup> International Conference on Concussion in Sport, Zurich, November 2008), "the cornerstone of concussion management is physical and cognitive rest until symptoms resolve and then a graded program of exertion prior to medical clearance and return to play."

The Brain Injury Association of Virginia notes that it is important for all education professionals to be aware of the issues surrounding brain injuries and how they can affect the student's abilities in the educational setting. Resulting impairments can be multifaceted and can include cognitive, behavioral, and/or physical deficits. Impairments can be mild or severe, temporary or permanent, resulting in partial or total loss of function. Because these deficits are so varied and unpredictable, it is difficult to forecast the recovery for a student with a brain injury.

### **Definitions(s)**

A **concussion** is a brain injury that is characterized by an onset of impairment of cognitive and/or physical functioning, and is caused by a blow to the head, face or neck, or a blow to the body that causes a sudden jarring of the head (i.e., a helmet to the head, being knocked to the ground). A concussion can occur with or without a loss of consciousness, and proper management is essential to the immediate safety and long-term future of the injured individual. A concussion can be difficult to diagnose, and failing to recognize the signs and symptoms in a timely fashion can have dire consequences.

Most athletes who experience a concussion can recover completely as long as they do not return to play prematurely. The effects of repeated concussions can be cumulative, and after a concussion, there is a period in which the brain is particularly vulnerable to further injury. If an athlete sustains a second concussion during this period, the risk of permanent brain injury increases significantly and the consequences of a seemingly mild second concussion can be very severe, and even result in death (i.e., "second impact syndrome").

**Appropriate licensed health care provider** means a physician, physician assistant, osteopath or athletic trainer licensed by the Virginia Board of Medicine; a neuropsychologist licensed by the Board of Psychology; or a nurse practitioner licensed by the Virginia State Board of Nursing.

**Return to play** means participate in a nonmedically supervised practice or athletic competition.

#### **A. Policies and Procedures**

1. Each school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Consideration should also be given to addressing the academic needs and gradual reintroduction of cognitive demands for students who have been determined to have a concussion. The Brain Injury Association of Virginia offers resources on strategies for educators to consider when working with a student with a brain injury.
2. In order to participate in any extracurricular athletic activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis (every 12 months), information on concussions provided by the school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt, review, and understanding of such information. The local school division will determine procedures for ensuring, annually, that statements are distributed to, and collected from each student-athlete and his or her parent or guardian with appropriate signatures.
3. A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider. The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.
4. Appropriate licensed health care providers or properly trained individuals evaluating student-athletes at the time of injury will utilize a standardized concussion sideline assessment instrument (e.g., SCAT II, SAC and BESS). Sideline Concussion Assessment Tool (SCAT-II), the Standardized Assessment of Concussion (SAC) and the Balance Error Scoring System (BESS) are examples of sideline

- concussion assessment tools that test cognitive function and postural stability. A list of assessment tools is located in the Resources section of these guidelines.
5. A concussion policy team that includes, at a minimum, a school administrator, athletic administrator, appropriate licensed health care provider, coach, parent, and student shall refine and review local concussion management policies on an annual basis.

**B. Protocol for return to play**

1. No member of a school athletic team shall participate in any athletic event or practice the same day he or she is injured and:
  - a. exhibits signs, symptoms or behaviors attributable to a concussion; or
  - b. has been diagnosed with a concussion.
2. No member of a school athletic team shall return to participate in an athletic event or training on the days after he/she experiences a concussion unless all of the following conditions have been met:
  - a. the student no longer exhibits signs, symptoms or behaviors consistent with a concussion, at rest or with exertion;
  - b. the student is asymptomatic during, or following periods of supervised exercise that is gradually intensifying; and
  - c. the student receives a written medical release from a licensed health care provider.

The Zurich Consensus Statement (November 2008) return to play guidelines and the American Academy of Pediatrics (AAP) Concussion Guidelines (August 2010), are available online to assist healthcare providers, student athletes and their families, and school divisions, as needed.

**C. Helmet replacement and reconditions policies and procedures**

1. Helmets must be National Operating Committee on Standards for Athletic Equipment (NOCSAE) certified by the manufacturer at the time of purchase.
2. Reconditioned helmets must be NOCSAE recertified by the reconditioner.

**D. Training required for personnel and volunteers**

1. Each school division shall develop policies and procedures to ensure school staff, coaches, athletic trainers, team physicians, and volunteers receive current training annually on:
  - a. how to recognize the signs and symptoms of a concussion;
  - b. strategies to reduce the risk of concussions;
  - c. how to seek proper medical treatment for a person suspected of having a concussion; and
  - d. when the athlete may safely return to the event or training.
2. The concussion policy management team shall ensure training is current and consistent with best practice protocols.
3. School divisions shall maintain a tracking system to document compliance with the annual training requirement.
4. Annual training on concussion management shall use a reputable program such as, but not limited to, the following:
  - a. The Centers for Disease Control's (CDC) tools for youth and high school sports coaches, parents, athletes, and health care professionals provide important information on preventing, recognizing, and responding to a concussion, and are available at [http://www.cdc.gov/concussion/HeadsUp/online\\_training.html](http://www.cdc.gov/concussion/HeadsUp/online_training.html). These include *Heads Up to Schools: Know Your Concussion ABCs*; *Heads Up: Concussion in Youth Sports*; and *Heads Up: Concussion in High School Sports*.
  - b. The National Federation of State High School Associations' (NFHS) online coach education course – *Concussion in Sports – What You Need to Know*. This CDC-endorsed program provides a guide to understanding, recognizing and properly managing concussions in high school sports. It is available at [www.nfhslem.com](http://www.nfhslem.com).
  - c. The Oregon Center for Applied Science (ORCAS) ACTive® course, an online training and certification program that gives sports coaches the tools and information to protect players from sports concussions. Available at <http://activecoach.orcasin.com/>, ACTive® is funded by the

National Institutes of Health, developed by leading researchers, and validated in a clinical trial.

### **Community Involvement**

Schools should make every effort to provide materials and training opportunities related to concussion management to organizations sponsoring athletic activity for student-athletes on school property. School divisions are not required to enforce compliance with such policies.

### **Code of Virginia**

§222 1-27 1.5. Policies on concussions in student-athletes.

A. The Board of Education shall develop and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, and risks of not reporting the injury and continuing to play.

B. Each local school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Such policies shall require:

1. In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the local school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education; and

2. A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game shall be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

C. In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Local school divisions shall not be required to enforce compliance with such policies.

3. That the Board of Education, in developing the policies pursuant to subsection A of § [22.1-271.5](#), shall work with the Virginia High School League, the Department of Health, the Virginia Athletic Trainers Association, representatives of the Children's Hospital of the King's Daughters and the Children's National Medical Center, the Brain Injury Association of Virginia, the American Academy of Pediatrics, the Virginia College of Emergency Physicians and other interested stakeholders.

4. That the policies of the Board of Education developed pursuant to subsection A of § [22.1-271.5](#) shall become effective on July 1, 2011.

## Resources

### A. Organizations and agencies that provide resources related to concussions

1. American Academy of Pediatrics, <http://www.aap.org>
2. American Medical Society for Sports Medicine, <http://www.amssm.org/>
3. Brain Injury Association of Virginia, <http://www.biav.net>
4. Children's Hospital of the King's Daughters, <http://www.chkcd.org>
5. Children's National Medical Center, <http://www.childrensnational.org>
6. Consensus Statement on Concussion in Sport (3<sup>rd</sup> International Conference on Concussion in Sport, Zurich, November 2008), <http://www.sportconcussions.com/html/Zurich%20Statement.pdf>
7. National Academy of Neuropsychology, <http://www.nanonline.org>
8. Virginia Athletic Trainers' Association, <http://www.vata.us>
9. Virginia College of Emergency Physicians, <https://www.acep.org>
10. Virginia Department of Health, <http://www.vdh.state.va.us>
11. Virginia High School League, <http://www.vhsl.org>

### B. Concussion assessment tools

1. Sports Concussion Assessment Tool (SCAT), Concussion in Sport Group, [http://www.amssm.org/MemberFiles/SCAT\\_v13-Side\\_2.doc](http://www.amssm.org/MemberFiles/SCAT_v13-Side_2.doc)
2. The Sideline Assessment for Concussions, Brain Injury Association of America, [http://www.knowconcussion.org/pdfs/sideline\\_assessment.pdf](http://www.knowconcussion.org/pdfs/sideline_assessment.pdf) and <http://www.knowconcussion.org/pdfs/bess.pdf>
3. Sports-Related Concussions in Children and Adolescents, Pediatrics, <http://pediatrics.aappublications.org/cgi/content/abstract/peds.2010-2005v1?rss=1>

### C. Educational strategies for working with students who have concussions

1. Brain Injury and the Schools: A Guide for Educators, Brain Injury Association of Virginia, <http://www.biav.net>

## **Final Review of the Proposed Supplement to the Curriculum Framework for 2009 Mathematics Standards of Learning**

Mr. Michael Bolling, mathematics coordinator, office of standards, curriculum, and instruction, 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. As part of the development of the standards, the work of the committee members was informed by reports from Achieve, the College Board, ACT, and other national and international reports. Furthermore, as a member of Achieve's American Diploma Project (ADP) Network, Virginia participated in a rigorous external review process of the 2009 *Mathematics Standards of Learning*, with both ACT and the College Board analyzing Virginia's mathematics standards against their own college- and career-ready benchmarks or standards. Both analyses showed strong alignment between the Virginia Standards of Learning and their respective standards for postsecondary readiness.

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* and

Mathematics Curriculum Framework have a strong alignment to the Mathematics Common Core State Standards.

To ensure alignment of the 2009 *Mathematics Standards of Learning* and Curriculum Framework with the Mathematics Common Core State Standards, Department of Education staff conducted a preliminary analysis of the content from the two sets of standards, and presented a report to the Board of Education on September 23, 2010. In October 2010, the Department convened a committee of mathematics educators to further review and refine the analysis. The review committee identified several concepts in Virginia's Curriculum Framework for the 2009 *Mathematics Standards of Learning* that need to be added or strengthened to ensure that Virginia's standards are equal to or more rigorous in content and scope than the Mathematics Common Core State Standards.

Mr. Krupicka made a motion to adopt the proposed supplement to the Curriculum Framework for the 2009 *Mathematics Standards of Learning*, accept the final Report of the Analysis of Virginia's 2009 *Mathematics Standards of Learning* compared to the Common Core State Standards in Mathematics, and permit the Department of Education to make technical edits as needed. The motion was seconded by Mr. Johnson and carried unanimously.

**First Review of Revisions of Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the Student-Selected Verified Credit**

Mr. Lan Neugent, assistant superintendent for technology and career education, presented this item. Mr. Neugent introduced Ms. Lolita Hall to the Board. Ms. Hall is the Director of Career and Technical Education to replace Ms. Elizabeth Russell.

Mr. Neugent said that the list of industry, professional, trade association certifications, or occupational competency assessments meets the Board's requirements as noted in 8 VAC 20-131-50.I.3, 8 VAC 20-131-50.I.4, 8 VAC 20-131-110, and 8 VAC 20-131-50.B.4 (Footnotes 5 and 6 and C., Footnote 5) for the Career and Technical Education Seal, the Seal of Advanced Mathematics and Technology, and student-selected verified credit.

Mr. Neugent said that 58 additional industry certification examinations and occupational competency assessments are identified as meeting criteria to satisfy requirements for the Career and Technical Education Seal and student-selected verified credit. Six of these examinations have been identified as meeting criteria to satisfy requirements for the Advanced Mathematics and Technology Seal.

Industry, professional, and trade association certifications are continually being revised or discontinued to stay current with technology and new techniques. These changes may be such that individual certifications are no longer available, no longer meet the Board of Education's criteria for diploma seals or student-selected verified credit, or require additional

criteria such as work experience beyond high school. Changes have been made in 13 of the certifications that were previously approved by the Board.

As a result of the proposed additions and deletions to this list there are:

- 277 credentials eligible for student-selected verified credit;
- 272 credentials eligible for the Career and Technical Education Seal; and
- 35 credentials eligible for the Advanced Mathematics and Technology Seal.

Mrs. Castro made a motion to accept for first review the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the student-selected verified credit. The motion was seconded by Mr. Foster and carried unanimously.

***First Review of Revisions to Criteria for the Virginia Index of Performance, Virginia's Incentive Program to Encourage and Recognize Outstanding Achievement (HB 1172/SB 145)***

Dr. Deborah Jonas, executive director for research and strategic planning, presented this item. Dr. Jonas said that the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8VAC 20-131-325) authorize the Board of Education to establish guidelines for recognizing and rewarding school accountability performance.

In July 2007, the Board of Education established the *Virginia Index of Performance (VIP)* incentive program to recognize and reward fully accredited schools and school divisions that make significant progress toward achieving specific measurable goals and objectives established by the Board of Education and supported by the Governor.

In 2010, House Bill 1172 and Senate Bill 145 were passed and enrolled into the *Code of Virginia*. The bill codified provisions in the Standards of Accreditation §22.1-253.13:9 that established the VIP program. Additionally, the legislation directed the Board to include in its guidelines for the VIP incentive program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics (STEM).

The current VIP award requirements encourage school divisions to increase the percent of students earning advanced proficiency on state mathematics and science assessments, and provide incentives for schools to meet additional Virginia performance objectives.

The proposed revisions were developed to retain the previously established program objectives while adding components that provide additional incentives for school divisions and schools to promote student achievement in the STEM areas and college and career readiness in general. The proposed revisions also make changes to the awards. Specifically, the proposed revisions would rename the VIP Competence to Excellence Award as the Distinguished Achievement Award, and eliminate the Rising Star award.

The proposed revisions would retain the approach to determining VIP awards adopted by the Board in 2009. Based on the approach adopted in 2009, the VIP program currently uses a weighted index to calculate a VIP achievement index based on SOL test results in each content area (English, mathematics, science, and history and social science), and provides opportunities for schools and school divisions to apply additional or “bonus” points to the content area indices by meeting additional VIP indicators.

The VIP Base Index weights the proficiency levels on statewide assessments using the following weights:

- Advanced proficient: 100
- Proficient: 75
- Basic: 25
- Fail: 0

The weighted index is applied to all assessments taken in the school or division. Separate base scores are calculated for each content area—English, mathematics, science, and history and social science—using the following formula:

$$(\# \text{ Advanced Proficient scores} \times 100) + (\# \text{ Proficient scores} \times 75) + (\# \text{ Basic scores} \times 25)$$

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Total tests administered

Schools and divisions may earn additional VIP bonus points based on criteria established by the Board. When earned, they can be added to a school or division’s VIP index points in one or more content areas to meet award criteria.

Dr. McLaughlin made a motion to accept for first review the proposed revisions to the criteria to earn VIP awards. The motion was seconded by Dr. Ward and carried unanimously.

**First Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve the Criteria for Identifying Alternative Routes to Teacher Licensure as “Low Performing” or “At Risk of Becoming Low Performing” Required by Title II of the Higher Education Act (HEA)**

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mrs. Pitts said that in order to comply with the new Title II reporting requirements, Virginia must define criteria to identify alternative routes to teacher licensure as “low performing” or “at risk of becoming low performing.”

On November 15, 2010, the Advisory Board on Teacher Education and Licensure approved a recommendation to the Board of Education to approve the following criteria for identifying alternative routes to teacher licensure as “low performing” or “at risk of becoming low performing” required by Title II of the Higher Education Act.

- Programs shall be reviewed for compliance with Board of Education regulations and certified every seven years. [If regulations are revised within the seven-year period, the program must align the program with the new regulations.] For program certification, the following requirements must be documented:
  - alignment of program requirements and competencies with the regulations;
  - capacity to offer each of the components of the program; and
  - structured and integrated field experiences in diverse school settings as specified in the regulations.
- Programs shall be required to submit the accountability measurement of partnership and collaborations based on PreK-12 school needs for review by the Department of Education biennially.
- Programs must submit candidate progress and performance on prescribed Board of Education licensure assessments. [All candidates must meet all prescribed licensure assessments prior to admission into the program; therefore, the requirement is that 100 percent of program candidates pass licensure assessments prior to admission to the program.]
- Programs must submit evidence of employer job satisfaction with candidates completing the program. The indicator of achievement of this standard shall include documentation that the Career Switcher Program has two years of evidence regarding candidate performance based on employer surveys.

An alternative route program (Career Switcher Program) shall be designated “at risk of becoming low performing” if the program is reviewed and found to meet certification requirements but has weaknesses, excluding the mandatory program entry requirements. The program provider must submit evidence of compliance within one year of notification of this finding.

An alternative route program that does not correct the weaknesses within one year of receiving the designation of “at risk of becoming low performing” will be designated as “low performing.” If a program fails to maintain certification, enrolled candidates shall be permitted to complete their programs of study. The Career Switcher Program shall not be allowed to admit new candidates. Candidates shall be notified of program approval status.

Dr. Ward made a motion to accept for first review the recommendation from the Advisory Board on Teacher Education and Licensure to approve the criteria for identifying alternative routes to teacher licensure as “low performing” or “at risk of becoming low performing” required by Title II of the Higher Education Act. The motion was seconded by Dr. McLaughlin and carried unanimously.

**First Review of Proposed Revisions to Virginia School Bus Specifications**

Mr. Kent Dickey, deputy superintendent for finance and operations, presented this item. Mr. Dickey said that the proposed changes to the specifications were developed in consultation with the Department's Specifications Committee, which is comprised of pupil transportation representatives from school divisions across the state, and are intended to improve safety and operational effectiveness. The full specifications have been updated and revised to increase the safety and efficiency of various bus components and equipment, to incorporate various recommendations from the latest national specifications document, and for clarification.

None of the proposed changes represent significant deviations from standard industry practices. All of the recommended specifications comply with the safety requirements of the National Highway Traffic Safety Administration. Various changes incorporate key elements from the *2010 National School Transportation Specifications and Procedures*, a national specifications document released last year.

Other changes are made for consistency with requirements in the *Regulations Governing Pupil Transportation* and the *Code of Virginia*. Proposed additions to the specifications are underlined and proposed deletions are indicated by strikethroughs. The proposed revisions to the specifications will be posted on the Department's Web site for 30 days to provide school divisions and other interested parties with the opportunity to review them and offer comments. The comments will be compiled and presented to the Board at its meeting on March 24, 2011, and will be considered in the final version of the specifications presented to the Board for approval at the March meeting.

Mrs. Beamer made a motion to accept the proposed *Virginia School Bus Specifications* for first review. The motion was seconded by Mrs. Castro and carried unanimously.

The proposed revisions to the specifications will be posted on the Department's Web site for 30 days to provide school divisions and other interested parties with the opportunity to review them and offer comments. The comments will be compiled and presented to the Board at its meeting on March 24, 2011, and will be considered in the final version of the specifications presented to the Board for approval at the March meeting.

**First Review of Revised Proposed Annual Measurable Objectives in Reading and Mathematics for 2010-2011 through 2013-2014**

Mrs. Shelley Loving-Ryder 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 allowed 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 tests administered in 2009-2010.

On August 23, 2010, USED informed the Virginia Department of Education (VDOE) that while USED maintained its approval for holding the targets for the AYP ratings based on tests administered in 2009-2010, a “To Be Determined” (TBD) status stated in the workbook was not acceptable for the remaining years through 2013-2014. USED requested that Virginia set intermediate targets and a final target in 2013-2014 of 100 percent for both subjects.

As background, Virginia’s AMOs for 2001-2002 to 2009-2010 are shown below.

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

After careful consideration of the fact that new mathematics assessments would be implemented in 2011-2012 and new reading assessments would be implemented in 2012-2013, the Board of Education approved the proposed revised Annual Measurable Objectives of 82% in reading and 80% in mathematics for 2010-2011 through 2012-2013 and 100% for both reading and mathematics for 2013-2014, and they were submitted to USED on November 2, 2010.

On December 13, 2010, USED verbally notified VDOE that it would not approve the proposed AMOs. A formal letter was received on January 11, 2011, stating the following:

USED cannot approve Virginia’s request to revise its AMOs because Virginia’s proposed AMOs are not consistent with the statutory requirements in ESEA section 1111(B)(@)(E) through (H). Specifically, Virginia has not yet changed its assessments or academic achievement standards to reflect its new content standards; rather, it is still using the assessments and achievement standards on which its current AMOs are based. Accordingly, there is no basis for Virginia to establish a new starting point, which would need to be based on new achievement standards, in order to change its AMOs as Virginia has proposed at this time. Rather, Virginia must adopt AMOs for school years 2010-2011 through 2013-2014 that are consistent with the statutory requirements and that continue the pattern Virginia established in 2005 of increasing its AMOs in equal increments each year (allowing for holding steady the AMOs in 2009-2010 consistent with ESEA section 1111(b)(2)(H)(iii).

Mr. Krupicka made a motion to waive first review and approve the revisions to Virginia's Consolidated State Application Accountability Plan under the *No Child Left Behind Act of 2001* (NCLB) to establish the following annual proficient targets (Annual Measurable Objectives):

School Year	Reading/Language Arts AMOs	Mathematics AMOs
2010-2011	86	85
2011-2012	91	90
2012-2013	96	95
2013-2014	100	100

The motion was seconded by Dr. Ward and carried unanimously.

**First Review of the Proposed Addition of Asian Students as a Subgroup for the Purposes of Calculating Adequate Yearly Progress (AYP) in Virginia's Consolidated State Application Accountability Plan Under the No Child Left Behind Act of 2001**

Mrs. Shelley Loving-Ryder presented this item. Mrs. Loving-Ryder said that Virginia's Consolidated State Accountability Workbook states that Virginia's major racial and ethnic categories represent groups in which the number of students exceeds five percent of the student population. When the workbook was initially written, those groups were Black, White, and Hispanic. Since that time, the Asian student population has grown to exceed five percent of the student population on a consistent basis. While the Asian student population has exceeded five percent of the total student population since 2008-2009, the request to include Asians as a subgroup for the purposes of calculating Adequate Yearly Progress (AYP) has been delayed pending the implementation of new federally mandated race and ethnicity categories in 2010-2011.

The new federally mandated categories allow individuals to identify with one or more races and also to indicate if they are Hispanic. Students indicating they are Hispanic are counted in the Hispanic group regardless of their race and are not counted in any of the other race categories. The table shows the distribution of students in Fall Membership in each category for several years. Of particular note is that the number of Asian students, as a percentage of the school population, has exceeded five percent for several years even with the implementation of the new federal race/ethnicity codes.

**Virginia's School Population Disaggregated by Race/Ethnicity**

School Year	% White	% Black	% Hispanic	% Asian	% American Indian	% Hawaiian	% Other/Two+	Total Student Enrollment
2008-2009	56.53	25.71	8.96	5.60	0.30	0.11	2.80	1,236,109
2009-2010	56.38	25.15	9.29	5.88	0.32	0.12	2.86	1,214,786
2010-2011	54.51	23.73	11.28	5.91	0.34	0.14	4.09	1,220,845

Note: "Other" in 2008-2009 and 2009-2010 means "unspecified". "Two+" refers to "two or more races" in 2010-2011.

Given that the Asian subgroup has exceeded five percent of Virginia's student population over a period of years, the Board is asked to consider adding the Asian subgroup to those groups included in AYP calculations for schools, school divisions, and the state. The Asian subgroup would be included in AYP calculations for the first time for the 2012-2013 school year based on assessments administered in 2011-2012.

Mr. Johnson made a motion to accept for first review a proposed amendment to Virginia's Consolidated State Application Accountability Plan to add Asian students as a subgroup to be used in AYP calculations for the first time in the 2012-2013 school year, based on assessments administered in 2011-2012. The motion was seconded by Dr. Ward and carried unanimously.

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

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Mrs. Beamer, Mrs. Castro, Dr. Cannaday, 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.

Mr. Krupicka said that there are a number of bills in the General Assembly relating to bullying. Mr. Krupicka asked staff to follow closely as they go through the process and depending on how they turn out evaluate whether the Board needs to make changes in their guidelines.

### ***EXECUTIVE SESSION***

Dr. Ward made a motion to go into executive session under *Virginia Code* Section 2.2-3711.A.41, for discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses. The motion was seconded by Mrs. Castro and carried unanimously. The Board went into executive session at 12:35 p.m.

Dr. Ward made a motion that the Board convene in open session. The motion was seconded by Mr. Foster and carried unanimously. The Board reconvened at 2:16 p.m.

Dr. Ward 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 Mr. Foster and carried unanimously.

Board's Roll call:

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

The Board made the following motions:

- In Case Number 1, Mr. Johnson made the motion to approve the issuance of the license. The motion was seconded by Mr. Krupicka. The motion passed with 4 “yes” votes. Mr. Foster and Mrs. Castro voted “no”, Dr. McLaughlin abstained from voting, and Mrs. Beamer recused herself from voting.
- In Case Number 2, Dr. Ward made the motion to approve the issuance of the license. The motion was seconded by Dr. McLaughlin and carried unanimously.
- In Case Number 3, the Board of Education approved the issuance of a statement of eligibility for a license. The motion was passed with a unanimous vote.
- Dr. McLaughlin made a motion to revoke the Postgraduate Professional License of Ms. Kimbrough Tucker. The motion was seconded by Dr. Ward and carried unanimously.
- Mr. Foster made a motion to revoke the Postgraduate Professional License of Mr. Ricky Dale Webb. The motion was seconded by Mrs. Beamer and carried unanimously.

### ***ADJOURNMENT***

There being no further business of the Board of Education and Board of Career and Technical Education, Mrs. Saslaw adjourned the meeting at 2:19 p.m.



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President