

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

September 22, 2011

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

Mrs. Eleanor B. Saslaw, President
Mr. David M. Foster, Vice President
Mr. Chris N. Braunlich
Mrs. Betsy B. Beamer
Dr. Billy K. Cannaday, Jr.

Mrs. Isis M. Castro
Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin
Mrs. Winsome E. Sears

Dr. Patricia I. Wright, Superintendent of
Public Instruction

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

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

REMARKS BY THE HONORABLE ROBERT F. MCDONNELL, GOVERNOR OF THE COMMONWEALTH OF VIRGINIA

Mrs. Saslaw introduced Virginia's newly appointed Secretary of Education, Mrs. Laura Fornash, and welcomed her on behalf of the Board of Education. Secretary Fornash said she was looking forward to working with the Board of Education.

Mrs. Saslaw then introduced Governor Robert F. McDonnell. Governor McDonnell began his remarks by thanking the members of the Board of Education for their service. He also acknowledged the good work of the staff of the Secretary of Education, Dr. Wright, and the Virginia Department of Education. He noted the importance of putting the interests and needs of Virginia's children and setting high standards of achievement in the forefront of the work the Board of Education performs. The Governor said that Dr. Wright is a bold, innovative, and thoughtful leader. The Governor told the Board that all of his children graduated from Virginia public schools and that all have had successful experiences there.

The Governor described his experience in travelling to other countries and seeing that other countries are increasingly innovative and competitive in their academic performance.

For the U.S. to continue to be competitive, young people must have the knowledge and skills necessary in our global economy, he remarked.

The Governor told the Board that he was pleased to see the goals set forth in the Board of Education's *Comprehensive Plan for 2011-2016*. He was pleased that the Board embraced his "Opportunity to Learn" initiative and that the Board is taking action in the areas of charter school programs, college laboratory school programs, and multidivision online learning programs.

The Governor also recognized the importance of the Board's goal to strengthen accountability for our public schools. He emphasized that accountability is needed not only in the area of funding but in the use of resources, as well.

In mentioning the Board's goal of increasing literacy in reading and mathematics, Governor McDonnell expressed his concern about the international rankings of the United States in the Science, Technology, Engineering, and Mathematics (STEM) disciplines. He stated his interest in placing more emphasis on STEM-related programs. He would broaden the STEM categories to include business and health-care programs.

The Governor discussed a few issues for the Board to consider as we move forward to the upcoming 2012 General Assembly session. He cautioned that funding presents a significant challenge in the near future for all state initiatives and programs. Rebenchmarking issues need to also be taken into consideration. The Governor said that Virginia has unfunded liabilities in several key areas of state government, and Virginia must be conservative and prudent in the allocation of state-level funding. He indicated that education will, however, be a priority to the extent possible under the fiscal challenges we now face. Additional topics for the Board's consideration include the following:

1. Continue to raise the level of academic rigor in our learning standards. Virginia decided not to participate in the Common Core Standards program because Virginia's standards have proven to be successful in meeting or exceeding the Common Core Standards. Virginia's students must continue to be challenged by high standards.
2. Expand STEM programs and options, including programs in business and health care.
3. Expand programs such as Advanced Placement and dual enrollment.
4. Explore options for teacher and administrator assistance and evaluation programs. The Governor noted the Board's support for the performance pay incentives pilot program which was funded by the 2011 General Assembly. The Governor urged the Board to engage teachers and school personnel during the pilot program and to improve the initiative as needed.
5. Consider new and innovative ways to help recruit and retain the best and the brightest teachers and administrators for our public schools.
6. Review the types of diplomas offered and assess whether or not the various diploma types are serving their intended purpose.

7. Find ways to put more of our education funding into the classroom. The Governor said his goal is to make sure at least 65% of state K-12 funding goes into classroom instruction for children.
8. Increase instructional time for student learning, including recommendations regarding pre-Labor Day opening provisions.
9. Make sure that all students receive instruction in life skills related to the understanding of using a checkbook and other essential skills for financial literacy, civics, and character education.

The Governor closed his remarks by encouraging the Board of Education to be bold and innovative. Mrs. Saslaw thanked the Governor on behalf of the Board.

APPROVAL OF MINUTES

Mrs. Castro made a motion to approve the minutes of the July 28, 2011, meeting of the Board. The motion was seconded by Dr. Cannaday and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

PUBLIC COMMENT

The following persons spoke during public comment:

Dr. Sheila Bailey
Dr. Tom Smith
Dan Zacharias
Crystal Shin
Tom Sones
Elizabeth Jones
Linda Riley
David Anderson

CONSENT AGENDA

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

- Final Review of Proposed Board of Education Meeting Dates for the 2012 Calendar year
- Final Review of the Proposed Elementary School Gun Safety Guidelines and Curriculum

Final Review of Proposed Board of Education Meeting Dates for the 2012 Calendar Year

The Board's schedule of meeting dates for the 2012 calendar year was approved with the Board's vote on the consent agenda. The dates are as follows:

Thursday, January 12, 2012
Thursday, February 23, 2012
Thursday, March 22, 2012
Wednesday-Thursday, April 25-26, 2012
Thursday, May 24, 2012
Thursday, June 28, 2012
Thursday, July 26, 2012
Thursday, September 27, 2012
Thursday, October 25, 2012
Thursday, November 29, 2012

Final Review of the Proposed Elementary School Gun Safety Guidelines and Curriculum

The Board's approved the *Elementary School Gun Safety Guidelines and Curriculum* with their vote on the consent agenda. The *Elementary School Gun Safety Guidelines and Curriculum* provide background information on safe gun use and consequences from the misuse of guns. Each lesson is complete with background information, lesson guidelines and plans, suggested scripts for teachers, and student materials. Lessons are aligned with specific Virginia Standards of Learning for each grade. School divisions are guided to develop procedures for instructors to assist students who may disclose sensitive information during a lesson.

ACTION/DISCUSSION ITEMS:

First Review of the Proposed Repeal of the Regulations Governing the Approval of Correspondence Courses for Home Instruction (8 VAC 20-60)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this topic. Mrs. Westcott's presentation included the following:

- The 1984 General Assembly adopted legislation amending the state's compulsory attendance laws (§ 22.1-254 of the *Code of Virginia*) to allow parents to teach their children at home in lieu of sending them to a public or private school. One of the provisions qualifying parents to home instruct their children permitted them to enroll a child in a correspondence course approved by the Board of Education. On July 20, 1984, the Board of Education adopted criteria for the approval of correspondence courses which became effective August 1, 1984. Section 22.1-254.1 of the *Code* was later amended to allow correspondence courses addressing academic subjects to be approved by the Superintendent of Public Instruction.
- The 2008 General Assembly adopted HB 767, which removed the correspondence course approval requirement in § 22.1-254.1, so that parents who home school may use any correspondence course of their choosing to meet this option (with the exception of driver education), rendering the previous approval requirement moot.

Mr. Braunlich made a motion to accept for first review the repeal of the *Regulations Governing the Approval of Correspondence Courses for Home Instruction*. The motion was seconded by Mr. Krupicka and carried unanimously.

First Review of the Proposed Amendments to the Regulations Governing Driver Education (8 VAC 20-340)

Mrs. Wescott presented this topic. Mrs. Westcott's presentation included the following:

- The proposed amendments to the *Regulations Governing Driver Education* would add a section on the process for approval of correspondence courses for driver education. The proposed amendments would include a definition section, the application and approval process, and the due process provisions if an application is denied or approval is revoked, and the provider wishes to appeal. The amendments require the applicant to submit to the Department as part of the application process an affidavit; a schedule of tuition and fees, a description of its refund policy; and copies of all application forms and enrollment agreements used by the driver education correspondence program.
- Broad language in the current regulation allows the Department to ask for this information, but the more specific language in the proposed regulation enables all users to be fully aware of the regulatory expectations. The approval criteria has been expanded to add a requirement that the content of each course meets the requirements of the *Driver Education Standards of Learning* and the *Curriculum and Administrative Guide for Driver Education*.
- Currently, driver education correspondence schools submit to the Department a program using the requirements defined in the *Regulations Governing the Approval of Correspondence Courses for Home Instruction*. The submission requirements proposed in the *Regulations Governing Driver Education* mirror those requirements currently in place, and are intended to ensure that parents and students using driver education correspondence courses receive quality instruction aligned with Virginia standards.

Mr. Foster asked Mrs. Wescott if there is a need for an appeal if someone did not agree with the Superintendent of Public Instruction's decision regarding a school. Mrs. Wescott said that the way the proposed regulation is drafted; any decision will be the final decision and will not need to come before the Board.

Mrs. Sears asked what prompts staff that a regulation is obsolete or needs changing. Mrs. Wescott responded that it is usually legislation by the General Assembly that requires revisions to a regulation. Mrs. Wescott said that the Board can also change a regulation if it needs to be amended.

Mrs. Beamer made a motion to accept for first review the proposed amendments to the *Regulations Governing Driver Education*. The motion was seconded by Dr. McLaughlin and carried unanimously.

Action/Discussion Items

Final Review of a Request for Approval of a Modification of Graduation Requirements, Pursuant to 8 VAC 20-131-50 of the Regulations Establishing Standards for Accrediting Public Schools in Virginia, from Montgomery County Public Schools

Mrs. Wescott presented this topic. Ms. Brenda Blackburn, superintendent of Montgomery County Public Schools, assisted Mrs. Wescott in presenting this item.

Mrs. Wescott said that the Montgomery County School Board received approval from the Board of Education in 1999 to grandfather local graduation requirements for both the Standard Diploma and the Advanced Studies Diploma that exceeded those prescribed in the *Standards of Accreditation*. The approval required students to earn one standard credit in career and technical education and one standard credit in fine arts or performing arts for both the Standard Diploma and the Advanced Studies Diploma.

Ms. Blackburn said that the Montgomery County School Board requests that it be permitted to maintain this graduation requirement for the Standard Diploma and the Advanced Studies Diploma, and to expand it to the Standard Technical Diploma, the Advanced Technical Diploma, and the Modified Standard Diploma. Montgomery County Public Schools would also require students pursuing a Modified Standard Diploma to earn one standard credit in fine arts and one in career and technical education, which would be a new approval since the Modified Standard Diploma was not included in the grandfathered approval. The Montgomery County School Board strongly believes that both fine and performing arts and career and technical education are essential requirements. Both are seen as essential to prepare students with the skills needed for a career, and to provide opportunities for creativity.

During the discussion the Board suggested that Montgomery County Public Schools keep foreign language as is and add a footnote in their descriptive materials to address prescribing CTE and fine arts.

Mrs. Castro made a motion to approve the request from Montgomery County Public Schools to require one standard credit in fine or performing arts and one standard credit in career and technical education to earn a Standard, Standard Technical, Advanced Studies, Advanced Technical, or Modified Standard Diploma. The motion was seconded by Dr. Cannaday and carried unanimously.

Final Review of History and Social Science Textbooks Published by Five Ponds Press

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger's presentation included the following:

- On March 24, 2011, the Virginia Board of Education took action to remove two textbooks published by Five Ponds Press, Inc., *Our Virginia: Past and Present* (1st edition) and *Our America to 1865* (1st edition), from its approved textbook list. The Board also directed that if Five Ponds Press submitted for review the second edition of the same textbooks, the Department of Education was to conduct an expedited review “in accordance with the terms of the Board’s newly-adopted textbook review process” and bring to the Board a recommendation regarding approval of the replacement editions.
- Five Ponds Press formally submitted new editions of its textbooks for Virginia Studies and United States History to 1865, *Our Virginia: Past and Present* and *Our America to 1865*, respectively on June 24, 2011, and the Department of Education began the process to review these textbooks as prescribed in the revised textbook process approved on March 24, 2011. Five Ponds Press completed Publisher’s Certification and Agreement forms required as part of the revised process for each textbook. Department of Education staff members reviewed both textbook certifications and agreements to ensure they were completed correctly, sufficient information was provided, and they were signed by an appropriate representative of the publishing company.
- In accord with the textbook approval process, the Department convened a review committee comprised of a teacher, a division-level content specialist, and a subject-matter expert. Members of the review committee conducted individual analyses of the textbook printouts prior to meeting with the full committee. On July 8, 2011, the members of the committee convened to reach consensus on their reviews of the textbooks. The consensus evaluations were shared with the publisher, and the publisher was given an opportunity to respond to the committee’s review and recommendations.
- On July 28, 2011, the Board of Education accepted for first review the 2011 editions of the two Five Ponds Press books, *Our Virginia: Past and Present* and *Our America to 1865*, for consideration. A 30-day public comment period began on July 29, 2011, and ended on August 31, 2011. One letter was received that questioned the author’s lack of credentials as a historian. Seven comments were received in the public comment mailbox. Of those, several comments noted minor technical errors in punctuation. Several comments questioned the accuracy of facts, but most comments encouraged various interpretations of events or additional information to explain events. One comment addressed general textbook selection in Virginia for multiple grades.

Mrs. Castro made a motion to adopt the Superintendent of Public Instruction's recommendation to approve the 2011 editions of two Five Ponds Press history and social science textbooks, *Our Virginia: Past and Present* and *Our America to 1865*. The motion was seconded by Mr. Foster.

During the discussion of this motion, Dr. Wallinger reported that Five Ponds Press (FPP) has agreed to make the corrections as specified in the public comment documents received by the members of the Board of Education during the 30-day comment period. Members received copies of these documents prior to the meeting.

Dr. Wallinger said that VDOE staff has not yet seen those corrections in the final proofs from FPP. Dr. Wallinger stated that VDOE staff will work with FPP to make sure that the corrections are made and that VDOE staff will examine the final proofs to ensure that the corrections have been made as expected by the Board of Education.

Mr. Foster said that it is important that staff confirm that the corrections are made in the final proof of the texts. Mr. Foster added that the motion on the floor reflects the expectation that VDOE staff will confirm the corrections in the final proofs. Mr. Foster acknowledged the work of the citizens who commented on the texts and who raised valid points about the contents of the texts. Both Mrs. Sears and Mr. Krupicka reiterated Mr. Foster's statements.

The motion on the floor carried with a vote of eight yeas and one nay (Mrs. Sears).

Final Review of Proposed Guidelines for Local Textbook Approval

Dr. Wallinger presented this item. Dr. Wallinger's presentation included the following:

- On March 24, 2011, the Virginia Board of Education adopted a revised state textbook review process that places primary responsibility on publishers to ensure the accuracy of their textbooks. A publisher must: 1) certify that textbooks it has submitted for review have been thoroughly examined for content accuracy; and 2) agree that if factual or editing errors are identified, it will submit a corrective action plan to the Department of Education for review and approval by the Board of Education or by the superintendent of public instruction for plans not involving significant errors.
- On June 23, 2011, the Board accepted for first review proposed *Guidelines for Local Textbook Approval* to assist school divisions as they review and approve textbooks at the local level. The proposed *Guidelines* encourage local school boards that opt to use a textbook that has not been approved by the Board of Education to conduct a local textbook review that includes components similar to the state level review. Such components include a correlation with the Standards of Learning for the particular subject area and a review of strengths and

- weaknesses in instructional planning and support. Additionally, the publisher of the textbook should certify the accuracy of the content of the textbook and sign an agreement to correct all factual and editing errors found in a textbook, at its expense. Finally, the publisher should certify that the books meet other requirements of the *Code of Virginia* related to textbooks.
- The *Guidelines* also apprise school divisions of other requirements related to local textbook selection and approval, including:
 - Local school boards may use printed textbooks, printed textbooks with electronic files, electronic textbooks separate and apart from printed versions of the same textbook, or any combination of the three forms listed above.
 - Local school boards may purchase textbooks approved by the Board of Education directly from the publishers of the textbooks using either a contract or a purchase order, and these purchases are exempt from the *Virginia Public Procurement Act*.
 - If a local school board wishes to purchase textbooks that have not been approved by the Board of Education, it must adhere to the requirements of the *Virginia Public Procurement Act*.
 - Local school boards must certify annually to the Department of Education that:
 - ✓ All textbooks were selected and purchased in accordance with the Board's regulations; and
 - ✓ The price paid for each textbook did not exceed the lowest wholesale price at which the textbook involved in the contract was currently bid under contract in the United States, in accordance with § 22.1-241 of the *Code of Virginia*.
 - Following the Board of Education's acceptance for first review, the proposed *Guidelines for Local Textbook Approval* were posted for a 30-day public comment period that ended on August 1, 2011. Two comments were received. They addressed the Board of Education's state-level textbook approval process rather than the local approval process by suggesting that the Board provide research to demonstrate that each approved textbook would have a positive impact on learning.

Mrs. Castro made a motion to approve the proposed *Guidelines for Local Textbook Approval*. The motion was seconded by Dr. McLaughlin and carried unanimously.

Final Review of Requests for Approval of Alternative Accreditation Plans from Bland County Public Schools, Colonial Beach Public Schools, Craig County Public Schools, Danville City Public Schools, Dickenson County Public Schools, Highland County Public Schools, Richmond City Public Schools, Scott County Public Schools, and York County Public Schools for High Schools with a Graduation Cohort of Fifty (50) Students or Fewer

Dr. Kathleen Smith, director of the office of school improvement, presented this topic. Dr. Smith's presentation included the following:

- The following school divisions request approval of an alternative accreditation plan for the high schools indicated below to meet the Graduation and Completion Index (GCI) benchmark for schools with a graduation cohort of 50 or fewer students. Only three of these schools (Colonial Beach High School, Ervington High School and York River Academy) had a GCI below 85 in 2010.

Name of School Division	Name of School(s) Submitting Alternative Accreditation Plan	2010 GCI Index
Bland County	Bland High	97
	Rocky Gap High	98
Colonial Beach City	Colonial Beach High	82
Craig County	Craig County High	89
Danville City	Galileo Magnet High	97
Dickenson County	Ervinton High	83
Highland County	Highland High	98
Richmond City	Franklin Military Academy	94
	Open High	100
	Richmond Community High	99
	Amelia Street Special Education Center	100
Scott County	Twin Springs High	98
York County	York River Academy	81

- Due to the small cohort size, one student can make a significant difference in the GCI. For this reason, the GCI alone is not an appropriate measure for these schools; additional criteria are needed to determine accreditation. Each school division is requesting a waiver to Section 8 VAC 20-131-280 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) so that adjustments may be made to the accreditation calculations for accountability purposes. The following are being requested by each school division for the accreditation cycles for three years beginning in 2011:
 1. The proposed alternative accreditation plan will be used only if the school fails to meet the GCI benchmark for full accreditation and the cohort size for the graduating class is fewer than 50.
 2. The maximum number of GCI bonus points allowable for alternative accreditation will be based upon the size of the On-Time Graduation Rate cohort as follows:

- 0-14 students, no bonus points assigned: the school division will submit a written appeal to the State Superintendent of Public Instruction.
 - Maximum of 5 points for cohorts of 15-20 students
 - Maximum of 4 points for cohorts of 21-40 students
 - Maximum of 3 points for cohorts of 41-50 students
3. The division will submit a written appeal of the accreditation rating to the Superintendent of Public Instruction for cohort sizes of fewer than fifteen students or in cases where special circumstances warrant explanation and consideration in addition to the maximum point values outlined above.
- The Superintendent of Public Instruction will make the final determination if the school division appeals the GCI due to cohort sizes of fewer than fifteen students or in cases where special circumstances warrant explanation and consideration.
 - Each school division has determined additional criteria and measurable thresholds for achieving bonus points based upon individual school data. Each school has submitted between three and six additional criteria, each of which is worth one bonus point if the benchmark is met. Descriptions of the additional criteria fall into the following categories:
 1. Advanced Diplomas earned by graduating cohort
 2. Advanced Placement course enrollment and/or Advanced Placement examination scores
 3. Completion of internships/mentorships
 4. Completion of service learning programs
 5. Career and Technical Education program completion, certification, and/or credential awards
 6. Dual Enrollment course enrollment
 7. Enrollment in higher level courses such as chemistry, calculus, and physics
 8. Post-High School status – postsecondary education, joining the military, full-time employment
 9. School earns Virginia Index of Performance points that qualify for an award
 10. SOL pass rates and/or SOL pass advanced pass rates

Mrs. Castro made a motion to approve the alternative accreditation plans from the nine (9) school divisions as presented for the accreditation cycles beginning in 2011 through 2013. The motion was seconded by Dr. McLaughlin and carried unanimously.

Final Review of a Request for Approval of an Alternative Accreditation Plan from Chesterfield County Public Schools for Chesterfield Community High School

Dr. Smith presented this topic. Dr. Smith's presentation included the following:

- Chesterfield Community High School has just completed its 12th year as an alternative school, specializing in dropout recovery and dropout prevention. Most

students who come to Chesterfield Community High School are behind their academic cohort by about two years. Chesterfield Community High School has been *Fully Accredited* for the last three consecutive years and has made Adequate Yearly Progress (AYP) for the last two years.

- As part of its request for an alternative accreditation plan for Chesterfield Community High School, Chesterfield County Public Schools is requesting a waiver of the following section of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* so that adjustments may be made to the accreditation calculations for accountability purposes.

8 VAC 20-131-280. Expectations for school accountability.

B. Each school shall be accredited based, primarily, on achievement of the criteria established in 8 VAC 20-131-30 and in 8 VAC 20-131-50 as specified below:

1. The percentage of students passing the Virginia assessment program tests in the four core academic areas administered in the school, with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.
2. The percentage of students graduating from or completing high school based on a graduation and completion index prescribed by the Board of Education. The accreditation rating of any school with a twelfth grade shall be determined based on achievement of required SOL pass rates and percentage points on the board's graduation and completion index. School accreditation shall be determined by the school's current year index points or a trailing three-year average of index points that includes the current year and the two most recent years, whichever is higher. The Board of Education's graduation and completion index shall include weighted points for diploma graduates (100 points), GED recipients (75 points), students not graduating but still in school (70 points), and students earning certificates of program completion (25 points). The Board of Education's graduation and completion index shall account for all students in the graduating class's ninth-grade cohort, plus students transferring in, minus students transferring out and deceased students. Those students who are not included in one of the preceding categories will also be included in the index.

- Chesterfield County Public Schools is not requesting a waiver from section 8 VAC 20-131-100 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

Mrs. Beamer made a motion to approve the request for an alternative accreditation plan from Chesterfield County Public Schools for Chesterfield Community High School for accreditation cycles beginning in 2011 through 2013. The motion was seconded by Mr. Foster and carried unanimously.

First Review of Requests for Ratings of Conditionally Accredited from Norfolk City School Board and Northampton County School Board

Dr. Smith presented this topic. Dr. Walter Clements, superintendent of Northampton County Public Schools spoke to the Board by teleconference. Dr. Smith's presentation included the following:

The schools listed below are requesting a rating of *Conditionally Accredited* for the first year:

Division	School Name	Subjects Warned in 2008-2009	Subjects Warned in 2009-2010	Subjects Warned in 2010-2011	Preliminary Data Indicates Subjects Warned in 2011-2012
Norfolk City	Lindenwood Elementary School	English, Mathematics, Science	English	English, History, Science	English
Northampton County	Kiptopeke Elementary	Mathematics, History, Science	Mathematics, History, Science	English, Science	History

Adequate Yearly Progress (AYP)

School	Based on Assessments in 2008-2009	Based on Assessments in 2009-2010	Based on Assessments in 2010-2011	Current Sanction for English	Current Sanction for Mathematics
Lindenwood Elementary Norfolk City	Did not make AYP	Did not make AYP	Did not make AYP	Not in Improvement	Year 3 – Corrective Action
Kiptopeke Elementary Northampton County	Did not make AYP	Did not make AYP	Did not make AYP	Year 3 – Corrective Action	Year 4 – Planning for Alternative Governance

Unadjusted* AYP Scores for Standards of Learning Assessments

Lindenwood Elementary

	Based on Assessments in 2008-2009	Based on Assessments in 2009-2010	Based on Assessments in 2010-2011
English	68.83%	65.29%	72.38%
Mathematics	70.58%	71.09%	66.66%
Science	75.82%	67.79%	68.60%
History	79.78%	68.64%	80.72%

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

Kiptopeke Elementary

	Based on Assessments in 2008-2009	Based on Assessments in 2009-2010	Based on Assessments in 2010-2011
English	79.69%	69.25%	72.78%
Mathematics	65.60%	68.81%	69.20%
Science	64.02%	65.54%	72.51%
History	66.56%	72.40%	59.67%

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

Governance

- Kiptopeke Elementary and Lindenwood Elementary are currently identified as persistently low-achieving Tier 1 schools as defined by USED for the 2010 1003(g) School Improvement Grant (SIG) federal funding.
- Northampton County Public Schools selected Edison Learning as its Lead Turnaround Partner for Kiptopeke Elementary and has met the requirements of reconstitution as a change in governance. The school has selected to implement the Transformation Model, one of four approved USED models. The Northampton County Public Schools was awarded 2010 1003(g) SIG funds in the amount of \$949,302 for the first year (pending subsequent funding for a three year total of \$2,368,132).
- Norfolk City Public Schools selected Pearson Education as its Lead Turnaround Partner for Lindenwood Elementary and has met the requirements of reconstitution as a change in governance. The school has selected to implement the Transformation Model, one of four approved USED models. The Norfolk City Public Schools was awarded 2010 1003(g) SIG funds in the amount of \$646,839 for the first year (pending subsequent funding for a three year total of \$1,758,099).
- Both schools will implement alternative governance through a contract with the Lead Turnaround Partners (LTP) who have been contracted to guide the improvement process. The local educational agency (LEA) will designate an Internal Lead Partner (ILP) to oversee and manage implementation of the SIG as well as serve in the capacity of liaison between school leadership and the LTP.

Technical Assistance

- Schools granted a rating of *Conditional Accreditation* in 2011-2012 will be required to participate in technical assistance from the department. Since both Kiptopeke Elementary and Lindenwood Elementary will implement the USED Transformation Model, the principals, internal lead partners, and a VDOE contracted lead turnaround partner facilitator will participate in technical assistance activities to assist them with successful implementation of the model. Through a partnership with the Appalachia Regional Comprehensive Center (ARCC), the Center for Innovation and Improvement (CII), Corbett Education Consulting, and the Virginia Department of Education, participants will be provided a series of technical assistance activities provided via webinars and monthly meetings.
- Using research-based indicators that lead to increased student achievement is imperative for improvement. As part of the transformation model requirements, the schools will provide quarterly reports to the Office of School Improvement on the following minimum school-level data points:
 - Student attendance
 - Teacher attendance

- Reading, mathematics, science and history grades
- Student discipline reports
- Phonological Awareness Literacy Screening (PALS) data (Fall and Spring)
- World-Class Instructional Design and Assessment (WIDA) data for ELL students
- Student transfer data
- Student intervention participation by intervention type

Mrs. Beamer made a motion to accept for first review the request for ratings of *Conditionally Accredited* for Lindenwood Elementary School from the Norfolk City School Board and Kiptopeke Elementary School from the Northampton County School Board. The motion was seconded by Mrs. Castro and carried unanimously.

First Review of Request for Rating of Conditionally Accredited from Norfolk City Public Schools for Lafayette-Winona Middle School

Dr. Smith presented this item. Dr. Christine Harris, chief academic officer for academic affairs and accountability, represented Norfolk City Public Schools.

Dr. Smith said that Norfolk Public Schools is requesting a rating of *Conditional Accreditation* for Lafayette-Winona Middle School (LWMS) for the 2011-2012 school-year. The middle school missed the benchmark for accreditation in the area of History.

Climate Data

The climate at Lafayette-Winona Middle School has improved from the 2009-10 to the 2010-11 school year under the leadership of Mrs. Tracey Flemings.

Lafayette-Winona Middle School NPS Teacher Climate Survey Results:

- The teacher climate survey reviewed 15 major areas.
 - *5 out of 15 categories had notable positive changes based on the mean comparison from school year 2009-10 to 2010-11.*
 1. Teacher Sense of Efficacy
 2. Teacher Trust in Clients
 3. Teacher Academic Press
 4. Teacher Professionalism
 5. Teacher Organizational Citizen Behavior
 - *8 out of 15 categories had statistically significant positive changes based on the mean comparison from school year 2009-10 to 2010-11.*
 1. Teacher Collective Sense of Efficacy
 2. Teacher Trust in Administration
 3. Teacher Trust in Teachers
 4. Teacher Community Engagement
 5. Teacher Collegial Leadership

6. Teacher Instructional Leadership
 7. Teacher Feeling Safe
 8. Teacher Morale
- Some specific survey questions had statistically significant positive changes including:
 - The school's administration typically acts in the best interests of the teachers
 - Teachers can rely on the school's administration
 - Teachers trust the school's administration
 - The principal explores all sides of topics and admits that other opinions exist
 - The principal maintains definite standards of performance
 - The school's administration is proactive and addresses support issues
 - The principal promotes shared decision-making
 - The school's administration takes a personal interest in the professional development of teachers

Performance Data

Although the history benchmark was not met, there was significant improvement during the 2010-11 school-year at LWMS due to strategies such as:

- New principal with Middle School experience
- Improved climate based on survey data
- Creative scheduling to allow more time for remediation and acceleration
- Increases participation in after school and Saturday programs
- Additional staff: History Coach
- Additional professional development for teachers and staff
- Counseling ineffective teachers
- Family education nights
- Community involvement
- Central office/school data team meetings

History

1. Current performance: The 2010-11 sixth graders cohort performed at 52% on the Spring SOL assessment. This is an increase from the sixth grade performance of 34% in 2009-10.
2. Cohort data: The 2009-10 sixth grade cohort earned a 34% on the SOL assessment. Their performance as seventh graders in 2010-11 improved to 60%.

Next Steps

Based on these next steps for the 2010-2011 academic year, NPS feels confident that LWMS will meet and exceed the benchmarks for History.

Next steps include:

- Additional staff has been added for the 2011-2012 to reduce class size in the history department.
- A new assistant principal strong in instruction has been reassigned to the school.
- A new department chair for social students has been selected by the principal.
- Changes made to the master schedule to allow for additional remediation and acceleration time.
- Review shared governance committee's process which included representation from the school, district, and state and university levels and determine the best model to proceed for 2011-12 as a team.
- Continued collaboration with the VA DOE history and social sciences coordinator and NPS history senior coordinator to review curriculum and professional development.
- A focus on the adult actions for accountability from all levels of the organization including:
 - The Superintendent's senior leadership team will receive status updates and provide support through the various departments (Academics, Operations, Human Resources, Technology, Testing, Finance)
 - Associate Superintendent for Academics and Executive Director will continue for 2010-11 to review the quarterly content observations completed by Lafayette-Winona Middle School administrators and department chairs
 - Executive Director to monitor and provide feedback of monthly data team meeting minutes
 - Principal will communicate with human resources and her immediate supervisor necessary support and professional development for the staff
 - The department of Curriculum and Staff Development will continue to make LWMS a priority for training and support.
 - Accountability Plans will focus on adult actions. The Executive Director will monitor the deep implementation of these actions.

During the discussion Mr. Braunlich asked for data on Lafayette-Winona Middle School going back ten years.

Mr. Krupicka made a motion to accept for first review the request for a rating of *Conditionally Accredited* for Lafayette-Winona Middle School from the Norfolk City School Board. A decision regarding the award of a rating of *Conditionally Accredited* is pending further reviews by the Board. The motion was seconded by and carried unanimously. The motion was seconded by Mrs. Beamer and carried unanimously.

Report on Potential U. S. Department of Education Waivers from Certain Requirements of the No Child Left Behind Act of 2001

Mrs. Veronica Tate, director of the office of program, administration, and accountability, presented this topic. Mrs. Tate's presentation included the following:

- Only 38 percent or 697 of Virginia's 1,839 schools made AYP based on results from the 2010-2011 assessments, compared to 61 percent of schools that made AYP in the previous year. Only four of Virginia's 132 divisions made AYP based on 2010-2011 assessments, compared with 12 divisions that made AYP in the previous year. The AYP targets were five points higher (86 percent) in reading and six points higher in mathematics (85 percent) than the targets for assessments taken by students during 2009-2010. As a consequence, 342 schools that made AYP in the previous year, and would have made AYP had the targets not increased, were identified as not meeting AYP.
- With AYP targets scheduled to increase an additional five points in both reading and mathematics for the 2012 assessment cycle, it is anticipated that an even greater disproportionate percentage of schools and divisions will be misidentified as underperforming during the 2012-2013 year.
- In Governor Robert McDonnell's letter on August 24, 2011, to Secretary Duncan, he points out the flaws of NCLB and noted that "A model that increasingly misidentifies schools as low performing and confuses the public about the quality of their schools does not advance the cause of reform or accountability."
- The Department of Education proposes to work with the Board of Education and stakeholders in the Commonwealth to draft an alternate federal accountability model that is based on Virginia's successful Standards of Learning accountability program, including, but not limited to:
 - College- and career-ready Standards of Learning and corresponding assessments being implemented in Virginia's mature and validated Standards of Accreditation (SOA) accountability program;
 - Annual determinations for schools and divisions that make valid and meaningful performance distinctions and recognize overall student and subgroup growth;
 - Accountability provisions that accurately identify schools and divisions most in need of support or interventions and recognize and reward exemplary performance;
 - Support and interventions, identified through diagnostic reviews, designed to remedy the specific conditions that may cause schools and divisions to underperform;
 - Capacity-building to allow divisions to support their underperforming schools in sustainable ways; and

- Aggressive reform for the lowest-performing schools and divisions.

The Board accepted the report and authorized the Department of Education to proceed in gathering input from stakeholder representatives on a new federal accountability plan.

The Department of Education will assist the Board of Education in inviting input from stakeholders on the major elements of a NCLB waiver proposal. The waiver proposal would apply to the 2011-2012 assessment results and ratings to be announced in fall 2012. The Board of Education could use monthly meetings of its School and Division Accountability Committee to review draft proposals and receive public input. The department would then prepare a final proposal for a revised accountability system for approval by the Board of Education and submission to the USED. The timetable will depend on the U.S. Department of Education's submission deadlines.

Report on the Proposed Standard Setting Timeline for the New Mathematics Tests Scheduled for Implementation in 2011-2012

Mrs. Shelley Loving-Ryder, assistant superintendent for the division of student assessment and school improvement, presented this topic. Mrs. Loving-Ryder's presentation included the following:

- In 2011-2012 a number of new assessments based on the mathematics SOL adopted by the Virginia Board of Education in 2009 will be administered to Virginia students. A summary of the new assessments follows:
 - Standards of Learning (SOL) tests in grades 3-8 mathematics, Algebra I, Geometry, and Algebra II
 - Virginia Modified Achievement Standards Tests (VMAST) for grade 3-8 mathematics and Algebra I: VMAST is an alternate assessment designed for students with disabilities identified under the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), who are instructed in grade level content but are not likely to achieve proficiency in the same time frame as their nondisabled peers
 - Virginia Alternate Assessment Program (VAAP) in mathematics for grades 3-8 and high school: The VAAP is a work sample-based assessment designed for students with significant cognitive disabilities who are unable to participate in the Standards of Learning (SOL) assessment program even with accommodations. In 2011-2012, VAAP Collections of Evidence for mathematics will be prepared using new Aligned Standards of Learning based on the 2009 mathematics SOL but reduced in depth and complexity.
- Because of the changes in the content measured by the SOL tests and VAAP, new passing scores must be adopted by the Virginia Board of Education. Further, because VMAST will be administered for the first time in spring 2012, the Board must also adopt passing scores for these new tests.

- In addition, the *Regulations Establishing Standards for Accrediting Public Schools* (SOA), require that students with disabilities who are pursuing the Modified Standard Diploma “shall pass literacy and numeracy competency assessments prescribed by the board.” In the *Guidelines for Implementing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*, the Board identified the grade 8 Standards of Learning (SOL) assessments in reading and mathematics as the literacy and numeracy assessments for the Modified Standard Diploma. Because the content of the grade 8 SOL mathematics test has changed, new cut scores that represent the minimum performance necessary to meet the numeracy requirements for the modified standard diploma will also need to be adopted.
- Consistent with the process used since the inception of the SOL testing program in 1998, committees of educators will be convened to recommend to the Board of Education (BOE) minimum "cut" scores on the new mathematics assessments described above. The recommendations of these committees will be presented to the Board for review and final adoption of cut scores for the various achievement levels.
- Below is a summary of the preliminary timeline for standard setting activities related to the new mathematics assessments being implemented in 2011-2012.

Assessment Program	Standard Setting Committee Meeting	First Review of Recommended Cut Scores by the BOE	Adoption of Cut Scores by the BOE
End-of-Course SOL Mathematics Tests (Algebra I, Geometry, and Algebra II)	November 1-3, 2011	November 17, 2011	January 12, 2012
Grades 3-8 Mathematics Tests	January 31-February 2, 2012	February 23, 2012	March 22, 2012
VMAST Grades 3-8 Mathematics Tests and Algebra I	March 2012	April 26, 2012	May 24, 2012
Grade 8 SOL Mathematics Test When Used to Verify the Numeracy requirements of the Modified Standard Diploma	March 2012	April 26, 2012	May 24, 2012
VAAP mathematics for grade 3-8 and High School*	April 2012	May 24, 2012	June 28, 2012

- At the June 2011 meeting, certain Board members expressed concern that they were asked to waive first review and adopt the cut scores for VAAP in the area of writing and history. Department staff was asked to investigate changes in the existing procedures that would support the presentation of future cut scores for VAAP to the Board on both first and final review. In response to this request, a schedule for the review of the mathematics VAAP that allowed for the cut scores to be reviewed twice by the Board before they were adopted was developed. The proposed 2011-2012 Virginia Alternate Assessment Program (VAAP) Schedule is as follows:

Task	2012 Schedule (Proposed)
School Divisions Ship VAAP Collections to Pearson	March 7
Pearson Scores Collections for Mathematics	April 4 - 13
Pearson Scores Collections for Reading, Writing, Science, and History	April 14 - June 22
Standard Setting Committee Meeting	April 24 - 26
Board Receives Recommended Cut Scores for Mathematics on First Review	May 24*
Board Adopts Cut Scores	June 28 *
Preliminary Reports Available – Reading, Writing, Science and History	July 9
Preliminary Reports Available for Mathematics	July 26

Dr. Wright noted that the Board had received numerous letters during the public period, and all comments urged the Board not to change the timeline. The Board received the Report on the Proposed Standard Setting Timeline for the New Mathematics Tests Scheduled for Implementation in 2011 and 2012 and agreed to allow the department to maintain last year’s schedule

DISCUSSION OF CURRENT ISSUES

Mr. Krupicka said that he appreciated the Governor’s comments and he looked forward to working on the initiatives. He highlighted the Governor’s initiative of increased instructional time. Mr. Krupicka said that one way to increase instructional time is to modify the school year. Mr. Krupicka had copies of the map (provided to the Board by department staff) illustrating the number of school divisions in the state that received waivers to start the school year early. The map indicated school divisions listed the following reasons for requesting waivers: weather-related, dependency on other divisions, innovative or experimental programs, and divisions surrounded by a qualifying division. Mr. Krupicka said he thought this has gotten out-of-hand and suggested the Board reconsider the regulation to allow school waivers. Rather, the Board should focus more on helping students succeed as opposed to talking about waivers.

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

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Mrs. Saslaw adjourned the meeting at 11:48 a.m.

President

MEETING OF THE VIRGINIA SCHOOLS FOR THE DEAF AND BLIND FOUNDATION

After the Board of Education business meeting adjourned, the Virginia School for the Deaf and Blind Foundation met and the following officers were elected:

President: Mrs. Isis Castro
Vice President: Mr. Rob Krupicka
Secretary-Treasurer: Mr. Kent Dickey
Assistant Treasurer: Mrs. Marie Williams
Executive Director: Mr. H. Douglas Cox

Other actions of the Virginia School for the Deaf and Blind Foundation included the following:

- Voted to transfer the Foundation investment assets to the newly established Virginia School for the Deaf and Blind Foundation and to direct the Secretary-Treasurer to take actions necessary to effect the transfer in consultation with the Office of the Attorney General.
- Voted to dissolve and terminate the current Foundation entity (after the Foundation investment assets are transferred to the newly established Virginia School for the Deaf and Blind Foundation) and to direct the Secretary-Treasurer to take actions necessary to effect this process in consultation with the Office of the Attorney General.

The meeting adjourned at 12:15 p.m.

OVERVIEW OF THE PROVISIONS OF THE VIRGINIA FREEDOM OF INFORMATION ACT

Mrs. Saslaw convened the Board at 12:15 p.m. for a work session. Mr. Jake Belue, assistant attorney general of the education section in the Office of the Attorney General, presented an overview of the provisions of the Virginia Freedom of Information Act (FOIA). Mr. Belue said that meetings and records are most relevant to Board members in terms of compliance to FOIA.

Meetings

- All meetings of public bodies must be open with public access permitted unless there is a specific statutory exemption.
- A meeting is when three or more Board members are gathered, and public business is discussed.
- Meetings must be “noticed” three days prior to the meeting and posted in four specific publications.
- Board members must avoid discussion of any public business with more than two members in person, by telephone, or on the internet chat or email.

- Discussion by more than two Board members is a “meeting;” but it is an illegal meeting if it has not been “noticed.”

Electronic Meetings

- Limited telephone or video participation by Board members is permitted provided requirements are met.
- Conference calls are never permitted.
- Non-members may call in if needed.
- Quorum must be in one place—at the main location.
- Places of remote participation must be specific and noticed, open to the public, and have a speaker phone.
- Must know in advance that you wish to participate by phone
- Must know the specific, open location
- Must be available for entire meeting
- Exceptions to regular electronic meeting requirements are emergencies such as illness that precludes attendance or a true unexpected emergency. The Board must approve participation by vote. A Board member may call in to listen only (not participate).

Closed Meetings

- Common exemptions for closed meeting are legal advice, discussion of contract negotiations, and discussion of identifiable employees (personnel).
- Specific exemption and reason for closed meeting must be cited.
- Committee may discuss only matters identified in the motion to go into closed meeting—even if subject would otherwise qualify for a closed meeting discussion.
- Certification required after closed meeting.
- Remember the stated purpose of closed meetings, and don’t stray from that discussion, gently remind others if discussion strays, and cast a truthful certification vote.

Records

- All records must be available for public inspection and copying upon request.
- Anything that records information related to public business are public records. Examples are: letters or other documents, handwritten notes, video/audio recordings, voice mails, emails, and text messages.
- Location doesn’t matter. It can be at the department, at home or personal office of business, computer hard drive (personal or business computer, or e-mail account), or cell phone/Blackberry.

FOIA Request

- A FOIA request is whenever anyone asks for anything. It can be a written request or oral request. It need not reference FOIA. Five days to respond.
- Board members should be very careful what they write (e-mail or notes), report any request immediately to the Board President and staff, and don’t delete messages or documents, or throw them away (Public Records Act).

E-Mail

- E-mail is considered a record.
- E-mail can also be considered a meeting. Simultaneous e-mail can easily result in discussion between more than two members (illegal meeting).
- It is recommended to use the telephone when possible, avoid e-mail to more than one member when possible, alternatively use BCC function, and never use Reply All.

During the discussion, Mr. Belue noted that if a Board member receives an e-mail and forward it to another Board member and that Board member forwards it to another Board member this is not considered a meeting. Mr. Belue said this is an example of one Board member having an individual conversation with another Board member. Mr. Belue said that although this is protected by FOIA, members should be careful because if an e-mail is sent within a matter of two hours it looks like a meeting. Mr. Belue noted that records should be kept of the discussion at all meetings. He also noted that records should be kept of scribbling notes if it is related to the categories covered under the Public Records Act.

The meeting adjourned at 12:54 p.m.

President