Virginia Board of Education Agenda Item

Agenda Item: R **Date:** May 23, 2013

Title	First Review of Petition to Amend *Rules Governing Division Superintendent of Schools* (8 VAC 20-390)		
Presenter	Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications		
E-mail	Anne.Wescott@doe.virginia.gov	**Phone**	(804) 225-2403

Purpose of Presentation:
Action required by state or federal law or regulation.

Previous Review or Action:
No previous review or action.

Action Requested:
Action will be requested at a future meeting. Specify anticipated date below:
Date: June 27, 2013
Action: Final Review

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
X	Other Priority or Initiative. Specify: To comply with § 2.2-4007 of the *Code of Virginia*

Background Information and Statutory Authority:
On March 15, 2013, the Board of Education received a petition from John Butcher to amend its *Rules Governing Division Superintendent of Schools* (8 VAC 20-390-80). 8 VAC 20-390-80 says: "It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings."

The petitioner requests that the following language be added: "The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the results of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information Act. The division superintendent shall forward each year's records to the Department within thirty days after the close of the fiscal year."

The *Code of Virginia*, in § 2.2-4007, addresses petitions for new and amended regulations. It says:

> § 2.2-4007. Petitions for new or amended regulations; opportunity for public comment.
>
> A. Any person may petition an agency to request the agency to develop a new regulation or amend an existing regulation. The petition shall state (i) the substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections, and (ii) reference to the legal authority of the agency to take the action requested.
>
> B. Within 14 days of receiving a petition, the agency shall send a notice identifying the petitioner, the nature of the petitioner's request and the agency's plan for disposition of the petition to the Registrar for publication in the Virginia Register of Regulations in accordance with the provisions of subsection B of § 2.2-4031.
>
> C. A 21-day period for acceptance of written public comment on the petition shall be provided after publication in the Virginia Register. The agency shall issue a written decision to grant or deny the petitioner's request within 90 days following the close of the comment period. However, if the rulemaking authority is vested in an entity that has not met within that 90-day period, the entity shall issue a written decision no later than 14 days after it next meets. The written decision issued by the agency shall include a statement of its reasons and shall be submitted to the Registrar for publication in the Virginia Register of Regulations. Agency decisions to initiate or not initiate rulemaking in response to petitions shall not be subject to judicial review.

In response to the petition, staff sent a notice to the Registrar that identified the petitioner, the nature of the petitioner's request, and the agency's plan for disposition of the petition, which was to announce a 21 day public comment period. The petition was published in the Virginia Register on April 8, 2013, for a 21 day public comment period. The public comment period ended on April 28.

Summary of Important Issues:
The petition would require division superintendents to document every visit made to inspect schools in the division, with the dates, times, and details of the inspection. Fourteen comments were received during the public comment period. One comment, from the petitioner, supported the petition. Thirteen comments, primarily from school boards and superintendents, opposed the petition, most saying that the additional requirements would be burdensome and unnecessary.

Impact on Fiscal and Human Resources:
The comments indicate that the petition would have an administrative and fiscal impact on school divisions to create and maintain records of superintendents' visits to schools.

Timetable for Further Review/Action:
The final review of this request is expected to be presented to the Board of Education on June 27, 2013.

Superintendent's Recommendation:
The Superintendent of Public Instruction recommends that the Board accept the petition for first review.

Public Petition for Rulemaking: 8VAC20-390-80 Inspection and supervision of schools

5 Comments Submitted via Town Hall Web Site during 21 Day Public Comment Period (ending April 28, 2013)

4/8/13 12:02 pm

Commenter: John Butcher *

It's Time to Require the Superintendent to Do Her Job

8VAC20-390-80 provides:

It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings.

Last year, I filed a Freedom of Information Act request with the Richmond Public Schools for all records for the past two years showing the required visits and inspections. The response showed fire inspections, preventive maintenance of refrigeration equipment, kitchen inspections, and (in 2011 but not 2012) preventive maintenance of building systems. Except for the fire inspections the records were not clear whether all schools had been inspected. There was no indication that the Superintendent had conducted any of those inspections, and no mention whatever of inquiry into the "management of the school, the course of study, method of instruction, and use of textbooks" and no further mention of "particular attention to the conditions of the school buildings."

The notion that the Richmond Superintendent might conduct these inspections and not create any documentary record is beyond bizarre. Moreover, in the absence of such records, the Richmond Superintendent is unable to demonstrate her compliance with the regulation. Nonetheless, when I suggested to the State Superintendent that she fire the Richmond Superintendent for neglect of her duty under the regulation, the State Superintendent replied:

I am aware of no requirement in law of policy that superintendent visits to schools pursuanbt to 8 VAC 20-390-80 be documented. The fact that such visits have not been documented by Richmond Public Schools therefore does not serve as evidence that the Superintendent has not complied with this regulation.

Thus, we have both the Richmond and State Superintendents grossly neglecting their duties. Short of installing a State Superintendent who wishes to actually do her job, the only cure for this egregious nonfeasance is to fix the regulation to require that the Division Superintendent create records to demonstrate compliance with 9VAC20-390-80. My petition requests that the Board of Education so amend the regulation.

4/18/13 1:49 pm

Commenter: Judy Carter, Chairman, Orange County School Board *

Opposition to Petition to Change Rules Governing Superintendent of Schools

The Orange County School Board opposes the petitioner's request to change the wording of 8VAC20-390-80 and requests that no revision be made to the current language of the regulation. The Orange County School Board believes that the local school board, and not the Commonwealth, should determine if the superintendent should engage in the detailed act of documenting his or her fulfillment of the duty described in the regulation. The Orange County School Board believes very strongly that the superintendent is accountable to the local school board for any such activity. Therefore, the Orange County School Board also opposes the petitioner's request that local superintendents forward any record of such activity to the Virginia Department of Education. The petition seeks an unnecessary expansion of state government authority. Furthermore, the petition is impractical in large school divisions where the superintendent's fulfillment of the expected duty depends heavily on his or her administrative designees. The Orange County School Board asks the Virginia Board of Education to reject the petitioner's request. *– Judy Carter, Chairman, Orange County School Board*

4/19/13 4:47 pm

Commenter: Dr. Elizabeth Leffel, Chairman, Clarke County Public Schools *

Opposition to Petition to Change Rules Governing Superintendent of Schools

The Clarke County School Board opposes the petitioner's request to change the wording of 8VA20-390-80. No revision should be made to the current language of the regulation. Local school boards, not the Commonwealth of Virginia, should determine if and when the Superintendent should engage in detailed documentation of his or her fulfillment of the duties described in the regulation. Our Superintendent is accountable to our local school board for such activity. As such, we also oppose the petitioner's request that our Superintendent forward any record of such activity to the Virginia Department of Education. The petition seeks an unnecessary expansion in the role of state government. We request that the Virginia Board of Education reject the petitioner's request.

4/27/13 8:20 am

Commenter: Steven L. Walts, Superintendent, Prince William County Schools *

Opposition to Petition to Change Rules Governing Superintendent of Schools

Regarding the proposed amendment to 8VAC20-390-80 (Rules Governing Division Superintendent of Schools), please know that as a superintendent of a large school division, the petitioner's request would impose an unnecessary burden on the Office of the Superintendent, the Division, the Virginia Department of Education, and the taxpayers of the Commonwealth.

Documenting each visit to my schools, with notations for the date and time of the visit, including a summary of the visit, would be improbable, if not impossible, given the realities of my responsibilities. With 93 schools I could be documenting a half-dozen or more visits a day, or very few at all, as my responsibilities vary from minute to minute and day to day. Please know that I am in touch with our staff, and in one or more of our schools, on a daily basis. In fact, since becoming Superintendent in 2005, I have visited every school each year because I am highly supportive of maintaining a high visibility with staff, students, and parents.

Furthermore, to retain such information, and then submit same to the Department of Education on an annual basis, constitutes not only an unfunded mandate, but a document retrieval and retention nightmare. Additional bureaucratic constraints and forms would not enhance my ability to make school visits.

Please do not hesitate to contact me if you have questions I might answer.

I encourage you to reject this petitioner's request.

4/27/13 8:29 am

Commenter: James Council, Lobbyist, Prince William County Schools *

Opposition to Petition to Change Rules Governing Superintendent of Schools

Prince William County Schools (PWCS) submits this comment in opposition to a proposed change to 8 VAC 20-390-80 to require that a record be made of a division superintendent's visit to, and inspection of, each school within the division. PWCS is in full agreement with the comments submitted by the Orange County and Clarke County Public Schools and particularly those by Orange County relating to the impractical burden such a reporting requirement would place upon larger school divisions. Further, the Virginia Department of Education has made a concerted effort in recent years to reduce the reporting requirements placed upon school divisions. Adoption of the proposed change to 8 VAC 20-390-80 would be counterproductive by adding a needless additional reporting requirement. PWCS asks that the Virginia Board of Education reject the petitioner's request.

Michael F. Murphy, Ed.D.
Superintendent

Rick Catlett
Assistant Superintendent

CLARKE In MOTION
Committed to Excellence

Clarke County Public Schools
309 West Main Street
Berryville, Virginia 22611
Phone: 540-955-6100
Fax: 540-955-6109
www.clarke.k12.va.us

Lisa Floyd, Ed.D.
Director of Curriculum and Instruction

Randy Trenary
Director of Operations

SENT BY EMAIL TO boe@doe.virginia.gov

April 10, 2013

State Board of Education
Post Office Box 2120
Richmond, VA 23218-2120

Re: Proposed Amendment to 8VAC20-390-80

Dear Members of the State Board of Education:

Regarding the proposed amendment to 8VAC20-390-80 (Rules Governing Division Superintendent of Schools), please know that even as a superintendent of a small school division, the petitioner's request would impose an unnecessary burden on the Office of the Superintendent, the Division, the Virginia Department of Education, and the taxpayers of the Commonwealth.

Documenting each visit to my schools, with notations for the date and time of the visit, including a summary of the visit, would be improbable, if not impossible, for any superintendent given the realities of our responsibilities. Even with only four schools I could be documenting up to five or more visits a day, as I am in touch with our staff, and in our schools, on a daily basis.

Furthermore, to retain such information, and then submit same to the Department of Education on an annual basis, constitutes not only an unfunded mandate, but a document retrieval and retention nightmare.

Please do not hesitate to contact me if you have questions I might answer.

I encourage you to reject this petitioner's request.

Sincerely,

Michael F. Murphy

Michael F. Murphy, Ed.D.
Superintendent of Schools

STATE BOARD OF EDUCATION

Initial Agency Notice

Title of Regulation: **8VAC20-390. Rules Governing Division Superintendent of Schools.**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Name of Petitioner: John Butcher.

Nature of Petitioner's Request: 8VAC20-390-80 provides: "It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings." The petitioner requests the Board of Education to render its regulation enforceable by amending 8VAC20-390-80 to append the following paragraph: The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the results of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information Act. The division superintendent shall forward each year's records to the Department within 30 days after the close of the fiscal year.

Agency Plan for Disposition of Request: The agency has received the petitioner's request and announces a 21-day comment period, which will be published in the Virginia Register of Regulations.

Public Comment Deadline: April 28, 2013.

Agency Contact: Melissa Luchau, Director for Board Relations, Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, or email melissa.luchau@doe.virginia.gov.

VA.R. Doc. No. R13-20; Filed March 15, 2013, 10:57 a.m.

VSBA
Virginia School Boards Association

Rivanna Ridge Professional Building
200 Hansen Road, Suite 2
Charlottesville, VA 22911

April 19, 2013

The Honorable David Foster, President
Virginia Board of Education
101 North 14th Street, 25th Floor
Richmond, Virginia 23219

Dear President Foster:

I am writing on behalf of the Virginia School Boards Association (VSBA) to express our opposition to the proposed amendment to a regulation contained within 8 VAC 20, Chapter 390, entitled *Rules Governing the Superintendent of Schools.* The proposed amendment was published in the Virginia Register of Regulations, Volume 29, Issue 16. The specific regulation proposed by the petitioner to be amended currently states as follows:

> **8 VAC 20-390-80. Inspection and supervision of schools.**
>
> It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings.

The petitioner proposes that the regulation be amended with the addition of the following paragraph.

> *The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the results of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information Act. The division superintendent shall forward each year's records to the Department within 30 days after the close of the fiscal year.*

The VSBA is opposed to the proposed amendment because the new documentation and submission requirement will interfere with the day-to-day activities of school boards and superintendents as they fulfill their constitutional responsibilities; and because the new administrative burden would be tantamount to an unfunded mandate on local school divisions.

The Constitution of Virginia provides that local school boards are vested with the supervision of local schools. The authority of school boards to provide daily supervision of schools was affirmed by the Virginia Supreme Court in School *Board v. Parham*, 218 Va. 950 (1978). The supervision and monitoring of superintendents as they undertake their duty to visit and inspect

VSBA
Virginia School Boards Association

Rivanna Ridge Professional Building
200 Hansen Road, Suite 2
Charlottesville, VA 22911

schools in their divisions precisely to type of day-to-day supervision that that the Constitution affords school boards and the proposed requirement to submit documentation of each visit to the Department of Education will actually impede on the authority of the local board. Particularly in the state's larger school divisions, which have hundreds of schools, the documentation requirement would detract from a superintendent's ability to advance on other priorities and tasks assigned by his or her local school board.

In addition to interfering with the day-to-day supervision of schools, the proposed amendment will result in an additional unfunded mandate on local school boards. Every year, local school divisions are required to allocate scarce local resources and staff time to generating reports to the Department of Education (VDOE). In 2012, at the request of Governor McDonnell's Task Force on Local Government Mandates, the VDOE was challenged to reduce the paperwork burden on school divisions by at least 15%. After months of working with local school boards and other educational stakeholders, the paperwork burden on school divisions was reduced by 40%. If adopted, the proposed amendment will result in reversing this trend and force local school divisions to devote more of their scare resources and staff to generating reports for the VDOE which will do nothing to advance the education or safety of Virginia's children.

In closing, the Virginia School Board Association opposes the proposed amendment to **8 VAC 20-390-80. Inspection and supervision of schools** and for the reasons stated above believes it to be both unwise and unnecessary. We urge you not to adopt it.

If you have any questions about our position or wish to discuss it further, please feel free to contact me anytime.

Sincerely,

Barbara J. Coyle

Barbara Coyle
Executive Director

Cc:

VSBA Board of Directors
Gina Patterson, Deputy Executive Director
Wendell Roberts, Staff Attorney
Steven Staples, Virginia Association of School Superintendents
Tom Smith, Virginia Association of School Superintendents

Prince William County
PUBLIC SCHOOLS
Providing A World-Class Education

SENT BY EMAIL TO boe@doe.virginia.gov

April 19, 2013

State Board of Education
Post Office Box 2120
Richmond, VA 23218-2120

Re: Proposed Amendment to 8VAC20-390-80

Dear Members of the State Board of Education:

Regarding the proposed amendment to 8VAC20-390-80 (Rules Governing Division Superintendent of Schools), please know that as a superintendent of a large school division, the petitioner's request would impose an unnecessary burden on the Office of the Superintendent, the Division, the Virginia Department of Education, and the taxpayers of the Commonwealth.

Documenting each visit to my schools, with notations for the date and time of the visit, including a summary of the visit, would be improbable, if not impossible, given the realities of my responsibilities. With 93 schools I could be documenting a half-dozen or more visits a day, or very few at all, as my responsibilities vary from minute to minute and day to day. Please know that I am in touch with our staff, and in one or more of our schools, on a daily basis. In fact, since becoming Superintendent in 2005, I have visited every school each year because I am highly supportive of maintaining a high visibility with staff, students, and parents.

Furthermore, to retain such information, and then submit same to the Department of Education on an annual basis, constitutes not only an unfunded mandate, but a document retrieval and retention nightmare. Additional bureaucratic constraints and forms would not enhance my ability to make school visits.

Please do not hesitate to contact me if you have questions I might answer.

I encourage you to reject this petitioner's request.

Sincerely,

Steven L. Walts
Superintendent of Schools

DR. STEVEN L. WALTS
Superintendent of Schools

P.O. BOX 389, MANASSAS, VA 20108 • WWW.PWCS.EDU

STATE BOARD OF EDUCATION

Initial Agency Notice

Title of Regulation: **8VAC20-390. Rules Governing Division Superintendent of Schools.**

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Name of Petitioner: John Butcher.

Nature of Petitioner's Request: 8VAC20-390-80 provides: "It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings." The petitioner requests the Board of Education to render its regulation enforceable by amending 8VAC20-390-80 to append the following paragraph: The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the results of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information Act. The division superintendent shall forward each year's records to the Department within 30 days after the close of the fiscal year.

Agency Plan for Disposition of Request: The agency has received the petitioner's request and announces a 21-day comment period, which will be published in the Virginia Register of Regulations.

Public Comment Deadline: April 28, 2013.

Agency Contact: Melissa Luchau, Director for Board Relations, Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, or email melissa.luchau@doe.virginia.gov.

VA.R. Doc. No. R13-20; Filed March 15, 2013, 10:57 a.m.

VIRGINIA BEACH CITY PUBLIC SCHOOLS
AHEAD OF THE CURVE

James G. Merrill, Ed.D.
Superintendent

April 25, 2013

Melissa Luchau
Director for Board Relations
Virginia Department of Education
101 North 14th Street, 25th Floor
Richmond, VA 23219

Dear Ms. Luchau,

I am writing to submit my concerns regarding the proposed amendment to 8VAC20-390 Rules Governing Division Superintendent of Schools.

The petitioner's request is as follows:

> "The petitioner requests the Board of Education to render its regulation enforceable by amending 8VAC20-390-80 to append the following paragraph: The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the visits of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information At. The division superintendent shall forward each year's records to the Department within 30 days after the close of the fiscal year."

Pursuant to the administrative code's current provisions, a division superintendent is held accountable for matters pertaining to the management of, instruction in, and condition of his division's schools. The request is impractical and infringes upon the supervisory rights of school boards. It is unreasonable to expect superintendents to document the details of every visit to a school and the results of any inquiries. The recordkeeping requirement is unmanageable and places an undue burden on superintendents as well as on VDOE staff who will have to collect and maintain the related records every year. Further, it is the responsibility of school boards to manage and supervise their respective division superintendents. Each board establishes their own practices and evaluation measures for holding a superintendent accountable for his/her supervision of a school division. It should remain at the discretion of each school board to require a superintendent to submit documentation of his/her school visits if the board deems those records valuable to their evaluation processes.

Thank you for the opportunity to submit my thoughts on the proposed amendment. If you or the members of the Board of Education have additional questions, you may reach me at james.merrill@vbschools.com or (757) 263-1333.

Sincerely,

James G. Merrill, Ed.D.
Superintendent

2512 George Mason Drive | P.O. Box 6038 | Virginia Beach, VA 23456-0038 | (757) 263-1333 | (757) 263-1397 fax
www.vbschools.com

Public Petition for Rulemaking: 8VAC20-390-80 Inspection and supervision of schools

Comments Submitted during 21 Day Public Comment Period (ending April 28, 2013)

From: Morris, Roger [mailto:roger.morris@patrick.k12.va.us]
Sent: Monday, April 08, 2013 3:44 PM
To: DOE - Board of Education, rr (DOE)
Subject: Comments on change to 8VAC20-390. Rules Governing Division Superintendent of Schools.

I am writing to comment on the proposed change to 8VAC20-390. Rules Governing Division Superintendent of Schools. As proposed, the division superintendent will be required to make inspection and report to the Virginia Department of Education the results of that inspection. As written, it is not clear the purpose of this "recordkeeping nightmare". The school divisions as well as the Virginia Department of Education do not have the adequate resources to maintain the records for this proposed regulation. Further, a division superintendent is answerable to a local school board as provided in the Code of Virginia. This proposal essentially keeps the local boards out of the loop. It is too costly and too cumbersome in a time in which the Governor and the General Assembly are looking to reduce the burden on localities. I also question the rationale of this proposal and ask the Board of Education reject this proposal on the grounds of cost and a waste of resources and time.

--

Dr. Roger N. Morris, Division Superintendent
Patrick County Public Schools
P.O. Box 346
Stuart, Virginia 24171
PH: (276) 694-3163
FAX: (276) 694-3170

From: Alan Seibert [mailto:aseibert@salem.k12.va.us]
Sent: Monday, April 08, 2013 3:58 PM
To: DOE - Board of Education, rr (DOE)
Cc: Thomas Smith; Steven Staples; Sally Southard
Subject: Comment re: Petition for Rulemaking - Please respect local School Board Authority and consider the wide variation in size/structure of VA Divisions

This message is in response to the request for public comment re: VA.R. Doc. No. R13-20; Filed March 15, 2013, 10:57 a.m. (http://register.dls.virginia.gov/issue.aspx?voliss=29:16&type=4)

Dear State Board of Education,

It is difficult to comment when the reasons/rationale of the petition are unclear, but I will choose to assume that it is well intentioned, though perhaps not mindful of the wide variation in size/structure of school divisions in the Commonwealth of Virginia.

The Salem City School Board annually adopts legislative positions anchored in the belief that local control is a cornerstone of a responsive and efficient school division. As presented, this petition for rule-making appears to

amount to micromanagement of a local school board via a state process and therefore not compatible with this guiding principle.

At a minimum, this petition lacks clarity of purpose and scope. Would I, as Division Superintendent, be expected to complete a document every time I visit a school and report all visits annually? Hopefully, "such visit" refers exclusively to visits for the purpose of a school facilities review. If not, what other visits does the petitioner want documented? What about the many other visits that superintendents pay to schools that may or may not involve facilities?

I, for example, endeavor to spend as much time as possible in our schools. I personally evaluate all of our principals, observe all new teachers, and visit for a whole host of reasons over and above a review of facilities. There are occasions that I will visit all six schools on the same day. I am regularly in our schools because I am also a parent of three children who attend our schools. Completing a report following every visit would be a massive inconvenience and would inhibit my Board's desire that I be in the schools and visible because of the time that such record keeping would require. Moreover, it is not uncommon that while I am visiting a school for these and other reasons that I do happen to notice something related to facilities that I either ask the principal to submit a work order or I transmit directly to the Assistant Superintendent who is responsible for facilities.

What about very large divisions? Would my fellow Superintendents in Northern Virginia be expected to annually conduct such a review at every school annually? Perhaps the petitioner envisions that a designee would conduct this annual review. If that is the case, the words "or designee" need to be added. Even then, it seems redundant to locally developed processes for regular school safety audits, crisis plan revisions, fire inspections, etc. that inform the management of facilities.

Again, I concede that it is difficult to respond not knowing the origin of the petition. If it is in response to a concern involving one school division, I would respectfully suggest that the petitioner address it to a local school board. Seeking to create new state processes and reporting requirements for all school divisions because of a local concern is the classroom equivalent of punishing the whole class for the misbehavior of one student.

Ultimately, local school boards are responsible for evaluating the performance of the superintendent appointed by that Board. The recently adopted state model for superintendent evaluation is research-based, was collaboratively developed, and includes good stewardship of resources including, but not limited to, facilities.

Respectfully submitted,

Alan Seibert

--

H. Alan Seibert, Ed. D.
Division Superintendent
Salem City Schools
510 South College Avenue
Salem, VA 24153
Telephone: (540) 389-0130
aseibert@salem.k12.va.us

-----Original Message-----
From: Tom Long [mailto:tlong@covington.k12.va.us]
Sent: Tuesday, April 09, 2013 7:34 AM
To: DOE - Board of Education, rr (DOE)
Subject: Comments On Change To 8VAC20-390 Petition On Rule Making

I am writing on the proposed change to 8VAC20-390. Rules Governing Division Superintendent of Schools. I echo and agree with comments you have received from other Division Superintendents regarding this matter. This simply would be an unnecessary additional and cumbersome task for superintendents. All of us spend

great amounts of time in our schools for various reasons. We do not need to document every visit. There are many other persons who are in our schools reviewing facilities such as Directors of Maintenance; Health Dept. Officials; Fire Marshals ; ETC. I urge the Board of Education to reject this proposal.

The information contained in this email message is intended only for the recipient(s) named above and may contain privileged and confidential information. If you have received this communication in error, please notify the sender immediately by email and delete the original message. Thank you.

Thomas E. Long
Division Superintendent
Covington City Public Schools
340 E. Walnut Street
Covington, VA 24426
Phone: 540-965-1400
Fax: 540-965-1404

From: Lorraine Lange [mailto:llange@rcs.k12.va.us]
Sent: Tuesday, April 09, 2013 10:07 AM
To: DOE - Board of Education, rr (DOE)
Subject: Comments on Rules Governing Division Superintendent of Schools

I am writing in response to the proposed change to **8VAC20-390. Rules Governing Division Superintendent of Schools**. To document each time I am in a school building would be a tremendous inconvenience and very time-consuming. We have 27 schools in our division and I schedule regular school visits to meet with principals and tour schools to monitor what is happening in our classrooms and to meet and observe new teachers. I also go into schools randomly and meet with parents as well as principals in addition to talking with principals at scheduled meetings throughout the year. To complete a report following each of these visits would require an extreme amount of time and effort and would be an added expense in our already overtaxed budget. I question the purpose of this proposal as our school board is responsible for evaluating my performance and would certainly advise me if I were not spending an adequate amount of time in our schools.

Lorraine S. Lange Ed.D.

Superintendent

Roanoke County Public Schools

5937 Cove Road NW

Roanoke VA 24019

540-562-3900 Ext 10111

fax 540-562-3993

llange@rcs.k12.va.us

-----Original Message-----
From: Fahey, John [mailto:jfahey@hopewell.k12.va.us]
Sent: Tuesday, April 09, 2013 8:48 PM
To: Luchau, Melissa (DOE)
Subject: Regulation

Dear Melissa, As a superintendent, I visit schools more than many others in the state. I teach each class in each school at least once per year. This allows me the joy of being in my six schools numerous times. The suggested regulation seems to be a lot of paperwork of little value. It may make some go to their schools but that is their duty. I have always visited more than most. Of the 4000 students in my division most all know me. In larger school divisions this may be even harder. Designees are not even stipulated when others may have the responsibility stead in the petition. I hope this helps. More paperwork without much value. Thanks John

---

From: School Board, Arlington Public Schools [mailto:school.board@apsva.us]
Sent: Friday, April 26, 2013 10:48 AM
To: DOE - Board of Education, rr (DOE)
Subject: Oppose Changes to 8VA20-390-80

Dear Mr. Foster and members of the Virginia Board of Education:

The Arlington School Board opposes the petitioner's request to change the wording of 8VA20-390-80, and believes that no revision should be made to the current language of the regulation. Local school boards, not the Commonwealth of Virginia, should determine if and when the Superintendent should engage in detailed documentation of his or her fulfillment of the duties described in the regulation. Our Superintendent is accountable to our local school board for such activity. As such, we also oppose the petitioner's request that our Superintendent forward any record of such activity to the Virginia Department of Education. The petition seeks an unnecessary expansion in the role of state government. We request that the Virginia Board of Education reject the petitioner's request.

Sincerely,

Emma Violand-Sanchez

Chair, Arlington School Board