

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

October 24, 2013

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:

Mr. David M. Foster, President
Mrs. Betsy D. Beamer, Vice President
Mrs. Diane T. Atkinson
Dr. Oktay Baysal

Mr. Christian N. Braunlich
Dr. Billy K. Cannaday, Jr.
Mrs. Winsome E. Sears
Mrs. Joan E. Wodiska

Dr. Patricia I. Wright, Superintendent
of Public Instruction

Mr. Foster called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mr. Foster asked for a moment of silence, and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Beamer made a motion to approve the minutes of the September 26, 2013, meeting of the Board. The motion was seconded by Mrs. Atkinson and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

PUBLIC COMMENT

The following persons spoke during public comment:

- Delegate Dickie Bell spoke on organ and tissue donation curriculum
- Madison Shinaberry spoke on organ and tissue donation curriculum
- Laura Murphy spoke on sensitive instructional materials
- Meg Gruber spoke on SOA amendments and A-F School Grading Formula
- Nicole Dooley spoke on SSEAC annual report recommendations
- Steven Staples spoke on A-F School Grading Formula timeline
- Aimee Seibert on behalf of Dr. Helen Ragazzi spoke on *Physical Education Guidelines*
- Chris Ramos spoke on *Physical Education Guidelines*
- Sarah Gross spoke on A-F School Grading Formula implementation/timeline

ANNOUNCEMENT

The National Center for Education Statistics announced that Virginia eighth graders ranked above international averages in mathematics and science in a first-of-its-kind comparison of achievement in the United States with student performance in 47 countries and jurisdictions. The study by the National Center for Education Statistics connects mathematics and science scores of American students on the 2011 National Assessment for Educational Progress (NAEP) with results from the 2011 Trends in International Mathematics and Science Study (TIMSS). Mr. Foster said that mathematics achievement of Virginia eighth graders was higher than that of peers in 39 countries and systems, including Finland. Finland's public schools are frequently held up as a model for states to emulate. Only students in South Korea, Singapore, Taiwan (Chinese Taipei), Hong Kong, Japan, Russia, and Quebec ranked higher.

RECOGNITION

Mr. Foster recognized Mr. Javaid Siddiqi who will begin serving as Secretary of Education in mid-November, and thanked Mrs. Laura Fornash for her service as Secretary of Education.

Consent Agenda

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

- Final Review of Financial Report on Literary Fund
- Final Review of Notice of Intended Regulatory Action (NOIRA) for Amendments to the *Regulations Governing Local School Boards and School Divisions* (8 VAC 20-720) Regarding Use of Controversial or Sensitive Instructional Materials
- Final Review of Amendments to the *Regulations Governing Driver Education* (8 VAC 20-340) and the Repeal of *Regulations Governing the Approval of Correspondence Courses for Home Instruction* (8 VAC 20-60) (Final Stage)
- Final Review of Revisions to Criteria for the *Virginia Index of Performance*
- Final Review of Request for a Continued Rating of Conditionally Accredited from Northampton County School Board for Kiptopeke Elementary School

Final Review of Financial Report on Literary Fund

With the Board's approval of the consent agenda, the Board approved the financial report (including all statements) on the status of the Literary Fund as of June 30, 2013.

Final Review of Notice of Intended Regulatory Action (NOIRA) for Amendments to the Regulations Governing Local School Boards and School Divisions (8 VAC 20-720) Regarding Use of Controversial or Sensitive Instructional Materials

With the Board's approval of the consent agenda, the Board approved the Notice of Intended Regulatory Action (NOIRA) for the *Regulations Governing Local School Boards and School Divisions (8 VAC 20-720)*.

Final Review of Amendments to the Regulations Governing Driver Education (8 VAC 20-340) and the Repeal of Regulations Governing the Approval of Correspondence Courses for Home Instruction (8 VAC 20-60) (Final Stage)

With the Board's approval of the consent agenda, the Board approved the amendments to the *Regulations Governing Driver Education* and repealed the *Regulations Governing Approval of Correspondence Courses for Home Instruction*.

Final Review of Revisions to Criteria for the Virginia Index of Performance

With the Board's approval of the consent agenda, the Board approved the revisions to the *Virginia Index of Performance* to be effective for the 2013-2014 academic year.

Final Review of Request for a Continued Rating of Conditionally Accredited from Northampton County School Board for Kiptopeke Elementary School

With the Board's approval of the consent agenda, the Board approved the request for a continued rating of *Conditionally Accredited* for Kiptopeke Elementary School from the Northampton County School Board.

Action/Discussion Items

Final Review of Proposal to Place Franklin City Public Schools Under Division-Level Review Status

Dr. Kathleen Smith, director of school improvement, presented this item. Attending from Franklin City Public Schools were Dr. Michelle Belle, superintendent, and Mrs. Edna King, chair of the school board.

The Board's discussion included:

- Mrs. Beamer asked about the quality of staff. Dr. Belle said she believes she has the right staff in place. Dr. Belle said changes have been made at the central office level and school buildings, and she believes this will make a major difference in turning things around and moving to full accreditation.
- Mr. Braunlich asked about consideration for using Teach for America. Dr. Belle said they have not considered using Teach for America, but it is a good idea.
- Dr. Cannaday asked about the quality of administrators in their monitoring of schools.

Dr. Belle said that a division leadership team monitors the buildings, and that she meets monthly with principals to discuss feedback from the division leadership team. Dr. Belle said she will be responsible for evaluating principals.

- Mr. Foster asked Dr. Belle if she was prepared to make changes as suggested from the Department of Education during the division-level academic review. Dr. Belle said she was willing to make tough decisions.
- Mr. Foster noted that the reason Franklin City is being put under division-level review is because the division has not met federal benchmarks (annual measurable objectives) for any of the proficiency gap groups, the percent of students attending warned schools is higher than the statewide average, and the multiple Standards of Quality non-compliance issues. Mr. Foster said the newsletter shared by the division is two years old and is not relevant to the task ahead. Mr. Foster said he looked forward to working with Franklin City during the turnaround.

Mrs. Wodiska made a motion to place Franklin City Public Schools under division-level review status and require a division-level academic review. The motion was seconded by Dr. Baysal and carried unanimously.

Final Review of Memorandum of Understanding for Norfolk City School Board for Lindenwood Elementary School as Required for Schools Denied Accreditation

Dr. Kathleen Smith also presented this item. Attending from Norfolk City Public Schools was Dr. Samuel King, superintendent and Dr. Kirk Houston, Sr., chair of the school board.

Dr. King provided information regarding the current status of teachers, including the number of teachers who are provisionally licensed, how many teachers were transferred to Lindenwood Elementary School this year from other schools, and how many teachers were transferred from Lindenwood Elementary School this year to other schools.

The Board's discussion included:

- Dr. Wright suggested Norfolk use the Board's *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators and Superintendents* (performance standard 7) for teacher evaluations because Norfolk's School Improvement Grant is based upon Norfolk using the approved system.
- Mrs. Wodiska expressed concern regarding professional development, support for teachers, and the evaluation instrument currently being used.
- Dr. Cannaday asked Dr. King to focus on the things connected to student achievement.
- Dr. Baysal noted the importance of maintaining a current and accurate Web site for communicating with parents and stakeholders.
- Mr. Braunlich asked about the use of Teach for America. Dr. King said Norfolk will consider reaching out to Teach for America.
- Mr. Braunlich asked Dr. King to discuss plans for converting Lindenwood Elementary School to a charter school.

- Mrs. Beamer suggested monthly superintendent updates to the school board, instead of quarterly updates.
- Mrs. Sears asked Mr. Houston about how the school board will be more involved in implementation. Mrs. Sears also asked about the level of experience of teachers at Lindenwood. Dr. King noted the division is trying to attract more veteran teachers to Lindenwood Elementary. Dr. King provided information regarding teacher experience to the Board following the meeting. Fifty-seven percent of teachers at Lindenwood have 0-3 years teaching experience.

Mr. Foster made a motion to approve the Memorandum of Understanding with the Norfolk City School Board for Lindenwood Elementary School. The motion was seconded by Mrs. Beamer and carried unanimously.

Final Review of Updated Corrective Action Plan as Required by Petersburg City School Board's Memorandum of Understanding with the Virginia Board of Education

Dr. Kathleen Smith presented this item. Representatives from Petersburg Public Schools included: Dr. Joseph Melvin, superintendent; Mr. Kenneth Pritchett, school board chair, and Ms. Stephanie Bassett, assistant superintendent.

The Board's discussion included:

- Mrs. Wodiska said she is proud of the progress Petersburg has made and encouraged them to ask staff and Board members for continued help whenever necessary.

Mr. Foster made a motion to approve the Petersburg City Public Schools' updated corrective action plan. The motion was seconded by Dr. Cannaday and carried unanimously.

Final Review of Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) (Proposed Stage)

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

- Mrs. Wescott noted an error in the Town Hall document regarding the Virginia Education Association's public comments. Mrs. Wescott said that their concern was about the number of tests at the elementary level, not expedited retakes.
- Seventeen comments were received, including eight from the following superintendents/school divisions: Salem City, Roanoke County, Henry County, Montgomery County, Botetourt County, Galax City, and Prince William County Public Schools, as well as comments from the Virginia Education Association, JustChildren, and from seven educators in world languages.
- ✓ The Virginia Education Association (VEA) opposes the proposed amendment to permit the expedited retake of Standards of Learning tests in grades three through eight, and recommends reducing the number of tests at the elementary level. VEA supports the clarification of the staffing requirements and the provision for appropriate compensation for teachers who agree to teach an additional class. Finally, VEA opposes the proposed amendment that says the teacher who teaches the content should not administer the associated Standards of Learning test, and states that this provision would create unintended consequences.

- ✓ JustChildren recommends updating the provision about ensuring that the student code of conduct is enforced and maintaining a safe and secure school environment to include reducing out-of-school suspensions. JustChildren also encourages schools and principals to use evidence-based programs such as Positive Behavioral Interventions and Supports (PBIS) to reduce disciplinary referrals while maintaining a safe school environment. JustChildren questions the proposal to eliminate the 140 clock-hour requirement for high school courses and asks how mastery of the course content would be determined. Finally, JustChildren questions the benefit of permitting the expedited retake of Standards of Learning tests for students in grades three through eight.
- ✓ Seven comments from world language educators were in support of the creation of a new diploma seal to honor student achievement in biliteracy.
- ✓ Five comments from superintendents and school divisions were in support of the provision to allow the expedited retake of Standards of Learning tests in grades three through eight. One comment included a request for clarification of the purpose of this proposed change. One comment, although supportive, noted that this change could lead to over-testing.
- ✓ Two comments from superintendents and school divisions were recommendations for multiple testing windows to provide opportunities for students to be tested early in the school year.
- ✓ Six comments from superintendents and school divisions were in opposition to the new graduation requirement for students to be trained in emergency first aid, CPR, and use of AEDs, which is mandated by legislation passed by the 2013 General Assembly. Several comments were that this requirement should be included in the health and physical education course requirements. Several comments raise the issue of the cost of this new requirement.
- ✓ Five comments from superintendents and school divisions raised concern about the new language about remediation in elementary, middle, and secondary schools that is mandated by legislation passed by the 2013 General Assembly, as additional funding would be needed.
- ✓ Seven comments from superintendents and school divisions were in support of the change to eliminate the clock-hour requirement to a standard credit, but one comment raised the concern that instruction in science and history/social science could be reduced because of this flexibility.
- ✓ Six comments from superintendents and school divisions were in opposition to the provision about sensitive or explicit materials and said it is unnecessary.
- ✓ One comment from a superintendent was a recommendation for a definition of an instructional day that would be the total time from the first bell to the last bell, minus time for lunch and class breaks.
- ✓ One comment from a school division supported the changes in provisions for transfer students, the role of the principal, clarification of the standard school day and year, the new accreditation rating of Fully Accredited with Distinction, the appeal of an accreditation rating, and the provision to allow schools that are accredited with warning to seek conditional accreditation after the second year.
- ✓ In addition, there have been comments from parents about the notification provisions when there are sensitive or explicit materials in the course, the textbook, or any supplemental instructional materials. Although the parents' comments are primarily in reference to 8 VAC 20-720, *Regulations Governing Local School Boards and School Divisions*, the proposed revision to 8 VAC 20-131-270 is in response to those concerns.
- There were several revisions from first review:
 - ✓ On page 10, the definitions for experimental and innovative programs are deleted.

- ✓ On page 14, language is added to clarify that a student who takes a substitute test approved by the Board of Education to verify a standard credit is not also required to take the associated Standards of Learning test.
 - ✓ On page 22, language is added to permit the provisions about end-of-course tests for students transferring from another state to apply to students transferring from another country, a private school, or a Department of Defense school, should those schools administer tests that meet those criteria.
 - ✓ On page 28, language about the “standard credit” had been inadvertently eliminated with the elimination of the clock hour requirement, and the language is restored.
 - ✓ On page 30, language has been added to notify parents of sensitive or sexually explicit materials.
 - ✓ On page 34, under the role of the principal, language is modified to say, “The requirement that, to the extent possible, the teacher should not administer the Standards of Learning test associated with the grade level content or class taught.”
 - ✓ Also on page 34, language is added that the principal would facilitate collaborative partnerships with families and the community.
 - ✓ Throughout the document, the terms “clock hours” and “teaching hours” would be changed to “instructional hours” for consistency.
 - ✓ The language about closing the achievement gap would be changed to add “any achievement gaps” to reflect schools that might not have achievement gaps between groups of students.
 - ✓ A number of minor editorial and technical changes were made throughout the document.
- Mrs. Wescott noted that language for the following is still being worked on and will be considered at the final stage:
 - ✓ Page 20, definition about those courses which students may earn college credits
 - ✓ Pages 43 and 44, a new provision for high school to meet in order to earn the rating of *Fully Accredited* with distinction related to closing the achievement gap.

The Board discussion included the following:

- Mrs. Atkinson thanked staff for their work on the document especially the elimination of seat time requirement.
- Mr. Braunlich thanked staff for the clause clarifying that students who take a test approved by the Board for a verified unit of credit shall not be required to take the associated Standard of Learning test. Dr. Wright noted that staff will bring an updated list of substitute tests to the Board in November for first review.
- Mrs. Sears suggested adding language to require school divisions to identify the sensitive or sexually explicit materials included on the syllabus.
- Mrs. Wodiska said school boards should have a policy in place to address advance notification and opt-out options.
- Dr. Cannaday stressed the importance of the trustful relationship between parents, schools, and the community.
- Mrs. Atkinson said language relating to identification of sensitive or sexually explicit items should be inserted before public comment to create an opportunity for feedback. Mrs. Atkinson said the opt-out issue is not appropriate to this set of regulations because the Board approved a NOIRA to amend the *Regulations Governing Local School Boards and School Divisions*.

Mr. Foster made a motion to approve the amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Proposed Stage). The motion was seconded by Dr. Baysal and carried unanimously.

Final Review of Proposed A-F School Grading Formula Developed in Response to the 2013 Acts of Assembly

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item. Dr. Loving-Ryder recognized Dr. Deborah Jonas for her assistance in developing the formula. Mrs. Loving-Ryder's presentation included the following:

- Proposed revisions from the September 26, 2013 draft include technical and clarifying edits and the following substantive revisions, which appear in strikethrough version:
 - ✓ The higher of the current year pass rate or the 3-year pass rate will be used in determining proficiency on state assessments.
 - ✓ Meeting all federal annual measurable objectives is included in the bonus point options.
 - ✓ At-risk students are those who failed the grade 8 reading or mathematics tests, who were chronically absent in grade 8, or who have been identified as at risk using additional criteria approved by the Board.
 - ✓ The total number of bonus points available for schools was decreased from 100 to 50 points and commensurate adjustments made in the points available for earning the bonus points.
 - ✓ Two changes are proposed in the decision rules. (1) Schools that are identified as Title I *Priority* or *Focus* schools under federal accountability and that have not met federal accountability assessment benchmarks shall not earn a grade of A or B. This change allows Priority and Focus schools to receive the grade they earn when they make progress even though the designations may not change. (2) Bonus points may increase a school's letter grade by a maximum of one grade level.
 - ✓ Presented for the Board's consideration are two point-to-grade conversion options for elementary and middle schools and two options for high schools. These point-to-grade conversion options represent grades prior to applying decision rules.

The Board's discussion included:

- The differences in calculating pass rates under the federal accountability system and the state accreditation system, related to Limited English Proficient (LEP) students, transfer students, and remediation recovery.
- Mrs. Atkinson asked if additional data will be available to the Board between now and when the A-F grading formula is due. Mrs. Loving-Ryder said that additional data will not be available until late next summer.
- Mr. Foster said he would like to hear more public comment and consider the impact of the differences in calculating pass rates, and thus would like to wait until November to vote.
- Dr. Cannaday noted his appreciation of the work staff has done.
- Mrs. Beamer indicated her appreciation for the work done and her desire to vote no later than November.
- Mrs. Sears indicated she supports waiting until November to give the public an opportunity to comment.
- Mr. Braunlich agreed to wait no longer than November.
- Dr. Baysal thanked staff and the accountability committee for a thorough job. He said he is willing to wait until November but no longer.
- Mr. Foster asked about LEP student pass rates. Dr. Wright said she can insert the calculation the Board chooses to use.

- Mrs. Wodiska thanked staff and complemented the Board for coming together to work on the grading formula. Mrs. Wodiska also thanked Mrs. Atkinson for her leadership on the accountability committee.
- Dr. Wright thanked Mrs. Loving-Ryder and Dr. Jonas for their work.

The Board postponed until November a vote on the proposed A-F Grading Formula developed in response to the 2013 Acts of the Assembly.

Final Review of Revised Student Conduct Policy Guidelines Consistent with Actions by the 2013 General Assembly

Dr. Cynthia Cave, director of student services, presented this item. Dr. Cave’s presentation included the following:

In response to the Board of Education’s review on September 26, 2013, the following changes were made.

Page Number	Brief Description
Table of Contents ii	Appendix A was changed to read “Applicable Provisions of the <i>Code of Virginia</i> .”
17	“Disability determination process” was changed to “eligibility determination process” to more accurately align with the language of the regulations.
18-19	The section on alcohol and drugs was updated for clarification. It now reads “...This includes, but may not be limited to, alcohol, tobacco and inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the <i>Code of Virginia</i> , such as” In addition, the word “inhalant” was inserted into the sample conduct standard.
21	Deleted “cyberstalking” since it was removed from the <i>Model Policy to Address Bullying in Virginia’s Schools</i>
35	Changed Appendix A to read “Applicable Provisions of the <i>Code of Virginia</i> .”

Mr. Foster made a motion to approve the revised *Student Conduct Policy Guidelines*. The motion was seconded by Mrs. Wodiska and carried unanimously.

Final Review of Board of Education’s Model Policy to Address Bullying in Virginia’s Schools

Dr. Cave also presented this item. Her presentation included the following:

- The proposed policy has been developed with consultation and review by professionals working in public education and representatives of child advocacy groups.
- In response to the Board of Education’s first review on September 26, 2013, revisions were made. Edits in wording were made throughout the document to ensure consistency in its purpose of providing guidance, not requirements. Throughout the document, references to bullying behavior by school employees or personnel have been removed where appropriate. The phrase “public K-12 institution” has been deleted because it is unnecessary. In addition, the sample school board policy was edited and moved to the appendix.

Page Number	Brief Description
Table of Contents	<p>The word “Cyberstalking” was removed.</p> <p>The “model school board policy regarding bullying” was renamed to the “Sample School Board Policy Regarding Anti-Bullying” and is identified as Appendix A.</p> <p>Page numbers were changed to correspond with the revisions.</p>
1	<p>In the first paragraph, the word “It” was replaced with “This model policy” for clarification.</p> <p>In the second paragraph, the date “by July 1, 2014” was added to reference the date school boards must have a policy in place.</p>
2	<p>Within the section presenting the <i>Code</i> definition of bullying, the words “similar to” were replaced with “which, at a minimum is consistent.”</p>
4	<p>Clarification was added to item b to expand the modes of transportation used by school divisions on which a bullying incident may occur, i.e., “for school sponsored activities and other means of transportation funded by public schools.”</p> <p>Footnote number two was added to alert divisions to emerging case law addressing bullying activities occurring outside of schools which may impact the learning environment.</p> <p>Unnecessary adjectives and nouns were removed, i.e., “particular” and “public K-12 educational institution.”</p> <p>Under 2.d., the phrase “threatening a disturbance in a school” was deleted and replaced with “poses a reasonable forecast of substantial disruption of school activities.”</p> <p>References to cyberstalking were removed because it is encompassed under cyberbullying.</p> <p>The following sentence was added to the section on cyberbullying: “The Virginia General Assembly has also required that policies and procedures regarding bullying and cyberbullying may not prohibit expression of religious, philosophical, or political views, unless that expression creates an actual, material disruption of the work of the school.”</p> <p>A footnote was added regarding reviewing emerging case law on bullying incidents occurring outside of school.</p>
5	<p>For clarity the word “since” was replaced with “if” in the text box referring to school division policy.</p> <p>In the text box below “Essential Elements of School Board Policy,” the word “consequencing” was replaced by “accountability and consequences.”</p>
6	<p>Justification was added to item four to support the designation of a bullying prevention coordinator.</p>
8	<p>In Step 1 a., the words “unresolved, severe, or persistent” were removed to encourage the reporting of bullying whenever it is suspected.</p>
10-11	<p>Language was added to Step 3: “Reporting investigations results” to denote a continuum of consequences and interventions for bullying behavior that is appropriate to the context and severity of the behavior.</p> <p>Deletions were made to Step 4: “Additional considerations” to ensure the rights, confidentiality and privacy of all parties involved in the investigation of bullying.</p> <p>In addition, in Step 4 b.3 the words “file an appeal” were replaced with “challenge the findings.”</p>
12	<p>Within the Notification box, a sentence was added noting when law enforcement should be contacted.</p>

The Board’s discussion included:

- Mrs. Wodiska complimented staff on the document.

- Mrs. Atkinson indicated it was a wonderful document to assist school divisions.

Dr. Cannaday made a motion to approve the *Model Policy to Address Bullying in Virginia's Schools*. The motion was seconded by Dr. Baysal and carried unanimously.

First Review of Advisory Board on Teacher Education and Licensure's Recommendation to Grant Approval to Add New Education (Endorsement) Programs at Averett University, Hollins University, Lynchburg College, Old Dominion University, Randolph College, Randolph-Macon College, Shenandoah University, Sweet Briar College, and Virginia Wesleyan College

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Her presentation included the following:

- Colleges and universities that offer programs for the preparation of professional school personnel must obtain education program (endorsement) approval from the Board of Education. Requests to offer new education endorsement programs are submitted to the Department of Education. Personnel in the Division of Teacher Education and Licensure and program specialists within the Department of Education review the programs to ensure competencies and other requirements have been addressed.
- The Advisory Board on Teacher Education and Licensure (ABTEL) reviews and makes recommendations to the Board of Education on approval of Virginia education programs for school personnel. Final authority for program approval rests with the Board of Education. Requests for new program endorsements approved by the Board of Education will receive a rating of *Approved*; *Approved with Stipulations*; or *Approval Denied*.
- The *Regulations Governing the Review and Approval of Education Programs in Virginia*, in part, stipulate the following:

8VAC20-542-20. Administering the regulations.

- D. Institutions of higher education seeking approval of an education program shall be accredited by a regional accrediting agency....
- H. Education programs shall be approved under these regulations biennially based on compliance with the criteria described in 8VAC20-542-40....

8VAC20-542-40. Standards for biennial approval of education programs.

Approved education programs in Virginia shall have national accreditation or be accredited by a process approved by the Board of Education and demonstrate achievement biennially of the following accountability measures:

1. Candidate progress and performance on prescribed Board of Education licensure assessments. Candidate passing rates, reported by percentages, shall not fall below 70 percent biennially for individuals completing and exiting the program. Achievement of an 80 percent biennial passing rate shall be required by July 1, 2010. Candidates completing a program shall have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and supervised student teaching or internship. Candidates exiting a program shall have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required

- assessments, including those prescribed by the Board of Education, and/or who may not have completed supervised student teaching or required internship.
2. Candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program....
 3. Structured and integrated field experiences to include student teaching requirements....
 4. Evidence of opportunities for candidates to participate in diverse school settings that provide experiences with populations that include racial, economic, linguistic, and ethnic diversity throughout the program experiences....
 5. Evidence of contributions to PreK-12 student achievement by candidates completing the program....
 6. Evidence of employer job satisfaction with candidates completing the program....
 7. Partnerships and collaborations based on PreK-12 school needs....
- Averett University, Hollins University, Lynchburg College, Old Dominion University, Randolph College, Randolph-Macon College, Shenandoah University, Sweet Briar College, and Virginia Wesleyan College have submitted requests to add new endorsement programs in the areas noted on the following chart:

Institution	Endorsement Program Requested	Level of Program
Averett University	Administration and Supervision PreK-12	Graduate
Hollins University	Special Education: General Curriculum K-12	Graduate
Lynchburg College	Music Education – Instrumental PreK-12	Undergraduate
Old Dominion University	Foreign Language: French PreK-12	Undergraduate
Randolph College	Science: Earth Science	Undergraduate
Randolph-Macon College	Special Education: General Curriculum K-12	Undergraduate
Shenandoah University	Health and Physical Education PreK-12	Graduate
Sweet Briar College	Music Education – Instrumental PreK-12	Graduate
Virginia Wesleyan College	Music Education – Vocal/Choral PreK-12	Undergraduate
	Theatre Arts PreK-12	Undergraduate

- Program endorsement competencies, based on the *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-542-10 et seq.), have been verified through the review of course descriptions and syllabi to determine alignment with each of the competencies required, including supervised classroom instruction. A review of the *Request for New Endorsement Program* application submitted by each institution evidenced written documentation of school division demand data, as well as institutional and school division support for the requested programs.
- Section 8VAC20-542-40 of the *Regulations Governing the Review and Approval of Education Programs in Virginia* requires institutions seeking education program approval to establish partnerships and collaborations based on PreK-12 school needs. A copy of the *Virginia Board of Education – Standards for Biennial Approval of Education Programs Accountability Measurement of Partnerships and Collaborations* form for each requested program endorsement area is attached in the Appendix. The institutions of higher education will submit a biennial report for the education programs.
- On September 23, 2013, the Advisory Board on Teacher Education and Licensure unanimously approved a recommendation to grant approval to add new education (endorsement) programs at Averett University, Hollins University, Lynchburg College, Randolph College, Randolph-Macon College, Shenandoah University, Sweet Briar College, and Virginia Wesleyan College, including the accountability measurement of partnerships and collaborations based on PreK-12 school needs for each of the programs.

- On September 23, 2013, the Advisory Board on Teacher Education and Licensure approved a recommendation to grant approval to add a new education (endorsement) program at Old Dominion University. Two ABTEL members recused themselves from voting on the recommendation.

The Board's discussion included:

- Mrs. Beamer noted the thorough work of ABTEL.
- Mrs. Atkinson noted only one collaboration is required. Mr. Foster suggested adding a footnote to reference this.
- Mr. Foster suggested highlighting that if the graduation endorsements are approved an individual could receive an education degree more quickly and cost effectively.
- Mrs. Wodiska thanked Mrs. Pitts for her work at the Teacher of the Year Event. Mrs. Wodiska said she would like to see more support from the business community for that event.

The Board accepted for first review the Advisory Board on Teacher Education and Licensure's recommendations to grant approval to add new education (endorsement) programs at Averett University, Hollins University, Lynchburg College, Old Dominion University, Randolph College, Randolph-Macon College, Shenandoah University, Sweet Briar College, and Virginia Wesleyan College, including the accountability measurement of partnerships and collaborations based on PreK-12 school needs for each of the programs.

First Review of the Advisory Board on Teacher Education and Licensure's Recommendation to Approve Education Programs Offered by Virginia Institutions of Higher Education as Required by the Regulations Governing the Review and Approval of Education Programs in Virginia (8 VAC 20-542-10 et seq.)

Mrs. Pitts also presented this item. Her presentation included the following:

- Pursuant to Section 22.1-305.2 of the *Code of Virginia*, the Advisory Board on Teacher Education and Licensure (ABTEL) reviews and makes recommendations to the Board of Education on approval of Virginia education programs for school personnel. Final authority for program approval rests with the Board of Education.
- The *Regulations Governing the Review and Approval of Education Programs in Virginia*, in part, stipulate the following:

8VAC20-542-20. Administering the regulations.

D. Institutions of higher education seeking approval of an education program shall be accredited by a regional accrediting agency....

H. Education programs shall be approved under these regulations biennially based on compliance with the criteria described in 8VAC20-542-40....

8VAC20-542-40. Standards for biennial approval of education programs.

...that approved education programs in Virginia shall have national accreditation...and demonstrate achievement biennially of the following accountability measures:

1. Candidate progress and performance on prescribed Board of Education licensure assessments. Candidate passing rates, reported by percentages, shall not fall below 70% biennially for individuals completing and exiting the program. Achievement of an 80% biennial passing rate shall be required by July 1, 2010.

Candidates completing a program shall have successfully completed all coursework, required assessments, including those prescribed by the Board of Education, and supervised student teaching or internship. Candidates exiting a program shall have successfully completed all coursework, regardless of whether the individuals attempted, passed, or failed required assessments, including those prescribed by the Board of Education, and/or who may not have completed supervised student teaching or required internship.

2. Candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program.
3. Structured and integrated field experiences to include student teaching requirements.
4. Evidence of opportunities for candidates to participate in diverse school settings that provide experiences with populations that include racial, economic, linguistic, and ethnic diversity throughout the program experiences.
5. Evidence of contributions to PreK-12 student achievement by candidates completing the program.
6. Evidence of employer job satisfaction with candidates completing the program.
7. Partnerships and collaborations based on PreK-12 school needs.

8VAC20-542-50. Application of the standards.

- A. As a prerequisite to program approval, professional education programs in Virginia shall have national accreditation or be accredited by a process approved by the Board of Education as prescribed in 8VAC20-542-30 and 8VAC20-542-60. Failure to do so will result in the education program being designated as “approval denied.”
- B. The education program’s candidate passing rates shall not fall below 70% biennially for individuals completing and exiting the program. Achievement of an 80% biennial passing rate for individuals completing and exiting the program shall be required by July 1, 2010.
- C. The education program is responsible to certify documented evidence that the following standards as set forth in 8VAC20-542-40 have been met:
 1. The education program shall demonstrate candidate progress and performance on an assessment of basic skills as prescribed by the Board of Education for individuals seeking entry into an approved education preparation program.
 2. The education program shall provide structured and integrated field experiences.
 3. The education program shall provide evidence of opportunities for candidates to participate in diverse school settings that provide experiences with populations that include racial, economic, linguistic, and ethnic diversity throughout the program experiences.
 4. The education program shall provide evidence of contributions to PreK-12 student achievement by candidates completing the program.
 5. The education program shall provide evidence of employer job satisfaction with candidates completing the program.
- D. The education program shall develop biennial accountability measures to be reviewed and approved by the Board of Education for partnerships and collaborations based on PreK-12 school needs.
- E. After submitting to the Department of Education the information contained in 8VAC20-542-50, education

programs in Virginia shall receive one of the following three ratings:

1. Approved. The education program has met all standards set forth in 8VAC20-542-40.
2. Approved with stipulations. The education program has met standards in subsections A and B of this section and is making documented progress toward meeting standards in subsections C and D of this section.
3. Approval denied. The education program has not met standards in subsections A and B of this section. The program shall be denied and the public notified. The program may resubmit a request for approval at the end of the next biennial period....

8VAC20-542-70. Competencies for endorsement areas.

The professional education program develops, maintains, and continuously evaluates high quality professional education programs that are collaboratively designed and based on identified needs of the PreK-12 community. Candidates in education programs for teachers demonstrate competence in the core academic content areas that they plan to teach. The indicator of the achievement of this standard shall include the following:

Candidates demonstrate an understanding of competencies, including the core concepts and facts of the disciplines and the *Virginia Standards of Learning* for the content areas they plan to teach....

The approval of the education programs at Virginia institutions of higher education include the review of partnerships and collaborations, biennial reporting of accountability measures, and program alignment with competencies.

Partnerships and Collaborations

During the summer of 2012, each institution offering education programs in Virginia submitted to the Virginia Department of Education a report documenting partnerships and collaborations based on PreK-12 school needs for each program (endorsement) offered. The institutions of higher education reported participation in multiple partnerships and collaborations with educational, governmental, professional, business, and community entities, as well as with school divisions, nonpublic schools, parents, and PreK-12 students. During the November 29, 2012, meeting, the Board of Education approved the Advisory Board on Teacher Education and Licensure's recommendation to grant approval for the accountability measurement of partnerships and collaborations based on PreK-12 school needs required by the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

Biennial Reporting for Accountability

Institutions of higher education are required to report passing scores for licensure assessments for each education (endorsement) program and verify that Standards 2 through 6 set forth in Section 8VAC20-542-40 of the *Regulations Governing the Review and Approval of Education Programs in Virginia* have been met and documentation of the evidence is on file and available for review at the institution. All institutions verified that Standards 2 through 6 had been met.

Whether candidates passed, failed, or did not take the required licensure assessments were reported for program exiters and completers. The licensure assessments included the Virginia Communication and Literacy Assessment (VCLA), Praxis II: Specialty Area Tests, Virginia Reading Assessment (VRA) Reading for Virginia Educators (RVE) for specified endorsement areas, and the School Leadership Licensure Assessment (SLLA) for the administration and supervision endorsement. Programs with less than ten completers and exiters for an education program in a biennial period are required to be included in the next biennial report when there are at least ten completers.

Advisory Board on Teacher Education and Licensure's Recommendation

On September 23, 2013, the Advisory Board on Teacher Education and Licensure received a report on the biennial

measures. The following education program fell below the minimum prescribed candidate passing rate of 80 percent for the assessments required for that education program:

Institution of Higher Education	Education Program	Assessment	Pass Rate (%)
Emory and Henry College	History and Social Sciences	Praxis II	66.7%

All other education programs met or exceeded a candidate passing rate of 80 percent or higher for each assessment required per education program as required by Accountability Measure 1.

The Advisory Board approved a recommendation to the Board of Education that the Virginia education programs submitted for review be granted “Approved” status with the exception of the History and Social Sciences program at Emory and Henry College that fell below the 80 percent passing rate requirement.

The Board accepted for first review the Advisory Board on Teacher Education and Licensure’s recommendation to grant “Approved” status to the education (endorsement) programs at Virginia’s 37 colleges and universities with the exception of the History and Social Sciences program at Emory and Henry College in which ABTEL recommended “Approval Denied” status. [Upon denial of a program, the public must be notified. Enrolled candidates will be permitted to complete their programs of study. New candidates shall not be admitted. The program may resubmit a request for approval at the end of the next biennial period.]

First Review of Proposed Physical Education Program Guidelines for Public Elementary and Middle Schools as required by HB 1092 (2012)

Mrs. Anne Wescott, director of policy and communications, presented this item. Her presentation included the following:

- The 2012 General Assembly approved HB 1092 (O’Bannon) directing the Board of Education to develop physical education program guidelines for public elementary and middle schools prior to January 1, 2014. The legislation further required that the Board of Education, in developing the guidelines, work with the American Heart Association; the American Cancer Society; the American Academy of Pediatrics, Virginia Chapter; the Virginia Association of School Superintendents; the Virginia School Boards Association and other interested stakeholders.
- In addition to the stakeholders specified in HB 1092, the Virginia Department of Education sought input from the following organizations: the American and Virginia Alliances for Health, Physical Education, Recreation and Dance; Longwood University; Prevention Connections; the Virginia Alliance of YMCAs; the Virginia Athletic Trainers’ Association; the Virginia Association of School Nurses; the Virginia Coalition for Fine Arts Education; the Virginia Foundation for Healthy Youth; the Virginia Municipal League; and the health and physical education program coordinator offices in three local school divisions.
- According to the proposed guidelines, physical education programs should: provide students with an opportunity to learn health-enhancing concepts and skills; ensure meaningful content and skills are included in the physical education curriculum; ensure students are taught by highly-qualified health and physical education teachers; and encourage students to be physically active and become physically fit for life. The four guidelines are supported by specific indicators or goals as well as guidance for implementation. In addition to the guidelines, the attached document contains citations to Virginia laws and regulations related to physical education as well as a listing of pertinent references and resources.

The Board's discussion included:

- Mrs. Sears asked about comments made during public comment of information being left out of the guidelines for the Board's review.
- Dr. Wright said she was responsible for drafting the guidelines. She indicated the work of the committee is still useful for school divisions to use as a technical assistance document. Dr. Wright said a lot of the technical assistance information was eliminated from the guidelines but this information can be distributed to school divisions that want to go beyond what the *Code* requires. The Board's policy document stays within the parameters of the *Code*, and Dr. Wright noted her concerns of implying an unfunded mandate.
- Mr. Foster asked if model policies can be included in the technical assistance document. Dr. Wright said best practices can be included, but her review did not include that type of information.
- Dr. Baysal noted the critical nature of childhood obesity and asked the Board to consider some minimum amount of time included in the policy statement. Dr. Baysal noted he was unaware what the financial implications would be.
- Mrs. Beamer said the intent of the original legislation was to include the number of minutes, but that was not what passed the General Assembly. Mrs. Beamer noted the unfunded mandate, and expressed concern including it in the policy document.
- Mrs. Atkinson noted the issues of childhood obesity and nutrition are broader issues that the Board cannot fix, however it can provide guidance and technical assistance through these documents.
- Mrs. Sears said she would be reluctant to adding a time requirement to the guidelines, although she is aware of the importance of physical education.
- Mr. Foster said this is a difficult challenge for school divisions because of the fiscal impact and teaching time implications. Mr. Foster said it would be a burden for the Board to impose a minimum number.
- Dr. Baysal said he feel strongly about this issue and believes the Board should provide an explanation as to why it is not adding a time requirement.

The Board accepted for first review the proposed *Physical Education Program Guidelines for Public Elementary and Middle Schools*.

First Review of Consensus Report from the Board of Education Charter School Committee on the Proposed Metropolitan Preparatory Academy Charter School Application

Mrs. Diane Jay, associate director of program administration and accountability, presented this item on behalf of Mr. Braunlich, Charter School Committee Chair. Representing Metropolitan Preparatory Academy were Ms. Tunya Bingham and Mr. Brandon Tutwilder.

Mrs. Jay's presentation included the following:

- As a result of legislation approved by the 2010 General Assembly, the *Code of Virginia*, [Section 22.1-212.9](#), requires that all charter school applications be submitted to the Board prior to being submitted to the local school board. Applications must adhere to the format prescribed by the Board and address the

application elements stated in the *Code of Virginia*, [Section 22.1-212.8](#). The Board is required to render a decision on whether the application meets its approval criteria. A decision by the Board that an application meets its approval criteria does not guarantee that the local school board will approve a request for a charter. The process required by charter school applicants can be found at http://www.doe.virginia.gov/instruction/charter_schools/application/application_process.pdf. Legislation approved by the 2013 General Assembly in [HB 2076](#) and [SB 1131](#) provides that charter school applications that are initiated by one or more local school boards are not subject to review by the Board of Education.

- To meet the intent of the legislation for applications submitted to the Board of Education, the Board has appointed a charter school committee to examine charter school applications submitted to the Board and ensure they are consistent with existing state law. The Board of Education Charter School Committee met on September 25, 2013, to discuss the charter school application submitted by Metropolitan Preparatory Academy in Richmond and to meet with the applicant. A copy of the application and supporting documents can be found at http://www.doe.virginia.gov/boe/committees_standing/charter_schools/meeting_materials.shtml#sep252013. Minutes in Attachment A reflect the Charter School Committee’s discussion regarding the criteria developed by the Board. Attachment B contains the Charter School Committee’s consensus report and the complete checklist used by the committee to evaluate the Metropolitan Preparatory Academy charter application. The table below displays the committee’s recommendation as to whether the components of the application meet the Board’s approval criteria. The components, criteria, and action by the committee are listed below.

Required Application Components		Met the Criterion
I.	Executive Summary	Yes
II.	Mission Statement	Yes
III.	Goals and Educational Objectives	Yes
IV.	Evidence of Support	Yes
V.	Statement of Need	Yes
VI.	Educational Program	Yes
VII.	Enrollment Process	Yes
VIII.	Displacement	Yes
IX.	Transportation	Yes
X.	Residential Charter School	N/A
XI.	Economic Soundness	No
XII.	Management and Operation	No
XIII.	Employment Terms and Conditions	Yes
XIV.	Liability and Insurance	Yes
XV.	Disclosures	Yes

- The committee gave unanimous consent that overall the application was compliant.

The Board’s discussions included:

- Mr. Braunlich said the application overall met the criterion except in the areas of economic soundness and management and operation.
- Mrs. Beamer urged the representatives to take time in addressing the issue of management and operations.
- Mrs. Sears asked the representatives to review what has been done to address the problems related to management and operations.

- Mrs. Foster suggested the representatives prepare a written summary of what has been done to address the issues of economic soundness and management and operations before the November meeting.

The Board accepted for first review the Charter School Committee's recommendation that the application for Metropolitan Preparatory Academy in Richmond is overall compliant with the Board of Education criteria.

First Review of Board of Education's 2013 Annual Report on the Conditions and Needs of Public Schools in Virginia

Mrs. Melissa Luchau, director for board relations, presented this item. Her presentation included the following:

The Report contains the following major components:

- Executive summary with highlights of academic achievements of students in the Commonwealth
- Discussion of the Board of Education's goals for public education and the actions taken by the Board in 2012-2013 to address the goals
- An assessment of the extent to which the Board's goals are being met
- Discussion of the critical needs of public schools in the Commonwealth
- Summary of the President's listening tour and concerns raised by educators
- Overview of the Standards of Learning program
- Statutory requirements:
 - Compliance with the requirements of the Standards of Quality
 - Compliance with the Standards of Accreditation
 - Report on multidivision online providers
 - Annual charter school report and information regarding parent choice

The Board's discussion included:

- Mr. Foster suggested the SOL reform information be moved to the front of the executive summary. Mr. Foster thanked Charles Pyle and staff for an excellent appendix regarding the SOL reform movement in Virginia.
- Mrs. Wodiska asked for a more concise executive summary with a clear linkage between the needs of schools, what steps the Board has taken to address those needs, and what actions can be taken in the future.
- Mrs. Sears noted her desire for follow-up information from school divisions indicating non-compliance with provisions of the *Standards of Quality*.
- Mr. Foster said another concern is related to class size and how the *Standards of Quality* define class. He asked staff to prepare a guidance document for the Board's review.

The Board accepted for first review the *2013 Annual Report on the Condition and Needs of Public Schools in Virginia*, and directed department staff to make necessary revisions to reflect Board member feedback.

First Review of Permanent Amendments to the Regulations Governing Adult High School Programs (8 VAC 20-680) and Repeal of the Regulations Governing the General Achievement Diplomas (8 VAC 20-680) to Replace the Emergency Regulations Required by HB 1061 and SB 489 (2012) (Proposed Stage)

Mr. Lan Neugent, assistant superintendent for technology, career, and adult education, presented this item. His presentation included the following:

- The 2012 General Assembly passed, and the Governor signed into law, HB 1061 and SB 489, which amend § 22.1-253.13:4 of the *Code of Virginia* to strengthen postsecondary education and workplace readiness opportunities for all students, and to consolidate the number of Board of Education-approved diplomas. The legislation says, in part:

F. The Board shall establish, by regulation, requirements for the award of a general achievement *adult high school* diploma for those persons who *are not subject to the compulsory school attendance requirements of § 22.1-254* and have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; ~~and~~ (iii) *earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.*

- The legislation eliminated the General Achievement Diploma by folding it into the Adult High School Diploma, which would be re-named the General Achievement Adult High School Diploma. It added a requirement that adult students would need to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment in order to be awarded the diploma.
- The legislation also contained a second enactment clause to require the Board of Education to adopt emergency regulations to implement these changes.

2. That the Board of Education shall eliminate technical diplomas that have not been implemented and shall promulgate regulations to implement the other provisions of this act to be effective within 280 days of its enactment.

- The Board of Education approved the proposed emergency regulations June 28, 2012, and they became effective July 17, 2013.
- The following changes would be made to the *Regulations Governing Adult High School Programs* to comport with the legislation:
 - The proposed regulations would specify that only students not subject to compulsory attendance could be enrolled in adult high school programs, consistent with language in the legislation. Language permitting younger students to enroll in adult high school programs under exceptional conditions would be eliminated. It should be noted that this is consistent with federal funding constraints for adult education programs.
 - The regulations would set forth the requirements for a student to earn a General Achievement Adult High School Diploma by:
 1. Successfully completing the requirements to earn a General Education Development (GED) certificate,

2. Successfully completing an education and training program designated by the Board of Education that would include successfully completing 20 standard units of credit in the following subjects, as specified in the current *Regulations Governing the General Achievement Diploma*:
 - ✓ English (4 credits),
 - ✓ Mathematics (3 credits),
 - ✓ Science (2 credits),
 - ✓ History and social science (2 credits), and
 - ✓ Electives (9 credits);
 3. Earning a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.
- The *Regulations Governing the General Achievement Diploma* would be repealed.
 - The permanent amendments contain no changes which were included in the emergency regulations approved by the Board of Education.

The Board accepted for first review permanent amendments to revise the *Regulations Governing Adult High School Programs* (8 VAC 20-30) and to repeal the *Regulations Governing the General Achievement Diploma* (8 VAC 20-680) (Proposed Stage).

Second Review of Proposed Revisions to Virginia School Bus Specifications

Mr. Kent Dickey, deputy superintendent for finance and operations, presented this item. His presentation included the following:

- The *Regulations Governing Pupil Transportation*, as approved in January 2004, deleted the sections that detailed the technical specifications for school buses and made them a separate document (*Virginia School Bus Specifications*) that requires periodic approval by the Board of Education. This allows the Department of Education to revise and update the bus specifications more efficiently than would be permitted under the process for revising regulations. It also permits the specifications to be updated more frequently to recognize new or emerging practices and technology. The *Virginia School Bus Specifications* are presented to the Board of Education for approval as necessary. The last revisions to the specifications were approved by the Board on March 24, 2011. The design and manufacture of school buses and school activity buses must conform to the specifications in effect on the date of procurement by school divisions.
- The proposed bus specifications accepted by the Board for first review at its July meeting were posted on the Department's Web site for 30 days for public comment. Comments were received from two vendors and one school division and dealt mainly with the warning light switches and the driver's seat belt. The comments and recommended actions are summarized in Attachment A. The full specifications document with proposed changes for second review is shown in Attachment B. Proposed new language in the second review version is shown in italics and underlined and proposed deletions are indicated by strikethroughs. In accordance with recommendations in the national school bus specifications, it is proposed that fire suppression systems be required for natural gas powered buses but optional for other bus fuel types (gasoline and diesel). Most school buses purchased in Virginia are gasoline and diesel buses.
- Due to proposed revisions related to warning light switches and requirements for fire suppression systems, the second review version of the proposed specifications will be posted on the Department's Web site for 10 days to provide school divisions and other interested parties with the opportunity to review them and offer comments. The comments will be compiled and presented to the Board at its meeting on November 21, 2013, and will be considered in the final version of the specifications presented to the Board for approval at the November meeting.

The Board's discussion included:

- Mrs. Atkinson asked if the specifications will impact current buses or the purchase of new buses. Mr. Dickey answered that they will address the purchase of new buses.

The Board accepted the proposed *Virginia School Bus Specifications* for second review.

Annual Report from the State Special Education Advisory Committee (SSEAC)

Mr. John Eisenberg, assistant superintendent for special education and student services, presented this item. Mr. Eisenberg introduced Ms. Lori Jackson Black, SSEAC chair and Mr. Darren Minarik, SSEAC vice chair.

Mr. Eisenberg's presentation included the following:

- The SSEAC is mandated by federal and state regulations, thus representing a number of constituency groups that advocate for children and youth with disabilities. The SSEAC provides opportunities for public comment at each of its meetings, as well as inviting presentations about initiatives and programs pertaining to students with disabilities. Over the 2012-2013 year, the SSEAC met three times. The SSEAC approved the annual report at its September 2013 meeting for submission to the Board of Education.
- Subcommittees addressed student achievement, student outcomes, and policy and regulations. Based on the work of these subcommittees, constituency reports, presentations, and public comments, the SSEAC report includes recommendations dealing with diplomas and assessments, inclusive education, and transition. The report also notes commendations in the areas of leadership, educational resources, and advocacy.

Ms. Black and Mr. Minarik provided a brief PowerPoint presentation on SSEAC's work and recommendations to the Board.

The Board's discussion included:

- Dr. Wright said that the Board has begun to work on many of the recommendations, including the special diploma.
- Mr. Braunlich asked if the SSEAC had plans to monitor the charter school for students with disabilities developed by Richmond City. Mr. Eisenberg said that the charter school for Richmond City will be monitored because it is the first charter school for students with disabilities in the state and in the country.
- Mrs. Sears asked the presenters about their experience serving on the committee. Ms. Black said she has been with SSEAC since 2009 and special education students receiving a regular general diploma has been encouraging for her. Mr. Minarik said that the special diploma and the Undetermined Project, focusing on developing determination skills for youth with disabilities, have been encouraging for him.
- Dr. Cannaday applauded the work done by SSEAC helping youth become advocates for themselves and others.
- Mrs. Atkinson said she appreciates the work of the SSEAC committee and thanked the committee for their work to allow special education students to attend college and have a career.
- Mrs. Wodiska thanked SSEAC for their leadership and service.

The Board of Education received the report from the State Special Education Advisory Committee. The report included the following recommendations to the Board:

Virginia State Special Education Advisory Committee Recommendations to the Board of Education

Based on public comments and reports from members representing their constituency groups, the committee makes the following recommendations to the Board of Education.

Diplomas and Assessments

Issue: Although closing the achievement gap will increase graduation rates and reduce the dropout rate, students with disabilities who do not graduate with a standard diploma may not have successful postsecondary outcomes such as less than adequate employability skills and limited independent living skills.

Recommendation: The SSEAC recommends that VDOE increase the requirements to obtain the special diploma to better support successful postsecondary outcomes in areas such as employment, education, training and independent living.

Issue: Parents often do not understand the assessments their children are taking and may not understand the impact that IEP decisions about participation in assessments may have on the student (such as alternative assessments and testing accommodations).

Recommendation: We appreciate work that has been done on credit accommodation guidance, but continue to recommend that VDOE develop a guide to explain testing and the impact on diploma options. We further recommend that this guide be required to be distributed no later than the second grade and annually thereafter.

Inclusive Education

Issue: School culture of inclusive education and universal design for learning presumes that all people belong together in learning communities. Based on the annual performance report, indicator 5 resulted in only 62 percent of all students with disabilities in Virginia spending 80 percent or more of their day in a general education setting. The 2011-2012 goal was 68 percent.

Recommendation: To increase this percentage, the SSEAC recommends that the VDOE create a checklist or similar document that identifies exemplary inclusive practices and allows schools to assess themselves in this area.

Issue: Although we recognize the state effort to highlight disability awareness by its declaration of October as Disability History and Awareness Month, the use of people first language remains an issue.

Recommendation:

We recommend that the VDOE work to ensure that all documents and communication use people first language so that it becomes a model for localities.

Transition

Issue: Based on the State Performance Plan (SPP) 2011-2102 data, Indicator 14 - postsecondary outcomes for students with disabilities - has leveled, resulting in concerns regarding successful postsecondary education and employment of students with disabilities.

Recommendation: The SSEAC was encouraged to hear about the development of the Center for Transition Innovations at VCU to address this issue. Considering the centralized location of the Center, the SSEAC recommends that the Center address the needs of all regions of the Commonwealth. We also support the need to address transition as early as possible across all areas in a student's school career. We further recommend the exploration of diverse and coordinated fiscal resources in partnership with multiple agencies to support transition.

Report on School Nutrition Programs: Overview of Existing Programs, Regulatory Changes and New Initiatives

Mrs. Catherine Digilio-Grimes, director of school nutrition programs, presented this item. Her presentation included the following:

- The college and career readiness of Virginia’s students is dependent on quality educational outcomes, and school nutrition programs are an integral part of the educational process and student achievement. Good nutrition is a fundamental component of healthy physical and cognitive development in children. Consequently, schools play a crucial role in offering nutritious foods and in helping students make educated, healthful choices that will enhance their academic and physical performance and promote lifelong health and learning. Research shows that when a child’s nutritional needs are met, the child is more attentive in class and has better attendance and fewer disciplinary problems. The National School Lunch and School Breakfast Programs play key roles in supporting the nutrition and health of schoolchildren in Virginia by providing nutritionally balanced, low-cost, or free meals each school day. In Virginia, the National School Lunch and School Breakfast Programs provide more than 165 million meals annually to Virginia’s public school children, accounting for up to one-half of those students’ daily calories. Various Virginia specific childhood nutrition and wellness initiatives support and augment the federal programs.
- World War II was a significant turning point for school-based meals. U.S. military officials testified to Congress that malnutrition among young soldiers jeopardized the national defense. Soldiers were not nourished enough to fight effectively. This historic testimony prompted the National School Lunch Act to be introduced as legislation. The National School Lunch Act of 1946 was the first “homeland security” program; it was authorized with an express purpose: “... *As a measure of national security, to safeguard the health and well being of our nation’s children, and to encourage domestic consumption of nutritious agricultural commodities and other food.*” Almost 70 years later, childhood hunger is still a national issue. Much is done in this country and in Virginia to address hunger. The federal school nutrition programs and various state initiatives play a significant role in Virginia.
- Every five years, the federal school nutrition programs are reauthorized in Congress allowing changes to be made for program improvements. The Child Nutrition Reauthorization Act of 2010 – known as the Healthy, Hunger-Free Kids Act of 2010 (or HHFKA, Public Law 111-296) – was landmark legislation that included numerous changes significantly affecting the operation of school nutrition programs and the children of Virginia.

Key provisions of this legislation include:

- Section 101: Improving the direct certification process for approving children for free meal benefits and state performance bonuses
- Section 102: Categorical Eligibility of Foster Children
- Section 104: Community Eligibility
- Section 105: School Breakfast Program Expansion
- Section 143: Review of Policies on Meal Charges and Alternate Meals
- Section 201: Improving school meals. Changes in nutrition standards and meal requirements for school meals with increased reimbursement rates for school divisions certified by the State Agency to be in compliance with the new standards.
- Section 202: Fluid Milk Requirements (only fat free plain or flavored or low fat (1%) white)
- Section 203: Water Availability to all students where meals are served
- Section 204: Establishing regulations for local wellness policies
- Section 205: Equity in school lunch pricing
- Section 206: Requires all non reimbursable meals sold in schools to generate revenue at least equal to their cost
- Section 207: Federal Review Cycle changed in frequency and new requirements to ensure compliance

- Section 208: USDA to establish nutrition standards for all foods sold in school throughout the school day anywhere on campus
 - Section 242: Procurement and processing of food service products and commodities
 - Section 243: Access to local foods, Farm to School Grants
 - Section 301: Expands privacy protections for the NSLP participants
 - Section 306: Professional standards, education and training requirements for school nutrition directors at local education agencies and criteria and standards for selection of State directors responsible for administering Child Nutrition programs
- The HHFKA will help combat childhood hunger by expanding universal meal service through community eligibility, by connecting more eligible low-income children with school meals through expanding direct certification, and by expanding after school meals to include supper for at-risk children under the Child and Adult Care Food Programs (CACFP) administered by the Virginia Department of Health (VDH).
 - The HHFKA will improve student health and reduce obesity by improving the nutrition standards for school meals, establishing national nutrition standards for all foods sold in school during the school day, including à la carte lines and vending machines, working in tandem with the regulations being developed by the Board of Education. It will also strengthen local school wellness policies, school food safety programs, and develop model product specifications for USDA commodity foods used in school meals.
 - Virginia has implemented several state-level initiatives to address child nutrition, hunger, obesity, and physical activity issues:
 - Action for Healthy Kids (VAFHK) coalition - A coalition of stakeholders dedicated to improving the health and educational performance of children through better nutrition and physical activity in schools. This multidisciplinary group from the public and private sectors joined to address childhood obesity, nutrition, and physical activity to create a healthier school environment. Several DOE staff members have been involved for more than 10 years.
 - Healthy Virginians Initiative - Began as an outgrowth of VAFHK and Governor Warner's interest in establishing a statewide initiative to address the health of Virginians and the cost of increased chronic disease, both child and adult. The Healthy Virginians program works to promote healthy lifestyles in workplaces, schools, and among families who receive health care through Medicaid. Both public and private entities participate. For the school segment, the Governor's Nutrition and Physical Activity Scorecard was developed to recognize and reward schools for encouraging healthy habits.
 - Virginia's Farm-to-School Program - A statewide program designed to increase the amount of fresh and nutritious Virginia grown products offered in schools and to promote opportunities for schools and local farmers to work together. This program supports local farms and offers fresh, nutritious foods for school meals. Building connections between schools, students, and agricultural producers throughout Virginia provides better economic opportunity for agriculture, healthier options for children and educational value for students related to sources of Virginia foods.

School Nutrition Programs (SNP) Overview:

- The Virginia Department of Education (VDOE), Office of School Nutrition Programs (OSNP) administers the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Afterschool Snack Program (ASP), and the Fresh Fruit and Vegetable Program (FFVP) in 132 public school divisions and four public Residential Child Care Institutions (RCCI). The U.S. Department of Agriculture (USDA) is the administering agency for all regulations that cover the School Nutrition Programs.

VDOE also works collaboratively with the Virginia Department of Health to encourage expansion of the Summer Food Service Program helping to ensure children get nutritious meals during the summer when schools are closed.

- Sources of funding: federal and state funds support both reimbursements to school divisions for meals served and to the VDOE for the administration of the programs. State matching funds of \$5.8 million for

school lunch reimbursement and \$174,000 for VDOE administration are required by federal regulations. State incentive funding to increase breakfast participation is also provided by the General Assembly.

- Statistics - for SY 2012-2013

Public School Divisions and Residential Child Care Intuitions Participating in the National School Lunch and School Breakfast				
	Number of Public School Divisions & RCCIs Participating in the SNP	Number of Public Schools and RCCI Sites participating in the SNP	Number of Meals Served (2012-2013)	
			Average Daily (approximately)	Yearly (approximately)
NSLP	137 – 132 Divisions – 5 RCCIs	1922 – 1871 schools – 51 RCCI sites	650,000	117,000,000 – 50% free, – 9% reduced – 41% paid
SBP	137 – 132 Divisions – 5 RCCIs	1884 – 1832 schools – 52 RCCI sites	250,000	44,000,000 – 98% free – 9% reduced – 17% paid
Note: The high schools in two school divisions do not participate in the School Nutrition Programs (Chesterfield and Hanover)				

Federal Regulation Changes as a result of the HHFKA:

- Section 101- Improving Direct Certification - Student eligibility for free meals is determined by application or by direct certification. Direct certification is the process under which Local Education Agencies (LEAs) certify children who are members of households receiving assistance under federal assistance programs Supplemental Nutritional Assistance Program (SNAP - formerly called Food Stamps) and Temporary Assistance for Needy Families (TANF) as categorically eligible for free meals under the National School Lunch Program, without further application. The eligibility is based on information provided by the State Agency administering those programs (Virginia Department of Social Services). The Direct Certification system is designed to eliminate the need for paper applications and increase the number of students eligible for free meal benefits. Eligibility for free meals is also extended to all children in a household if one member has been directly certified as eligible. Direct certification reduces the administrative burden on school divisions and families and helps ensure that low-income children have access to a healthy school meal.

The Department of Education and Department of Social Services (DSS) have worked together to implement direct certification since it was first authorized in 1989. All Virginia public schools were using direct certification well before 2008-2009 when it became mandatory.

The Healthy Hunger Free Kids Act of 2010 (HHFKA) instituted several additional reforms to strengthen and expand direct certification. It mandated that all Local Education Agencies (LEAs) conduct direct certification at least three times per year. It established direct certification rate benchmarks for states (80% in SY 2011-12; 90% in SY 2012-13; 95% SY 2013-14 and each year thereafter) and a monetary performance bonus for 15 states nationwide for outstanding performance and substantial improvements in meeting these benchmarks. These benchmark values measure the percentage of children enrolled in SNAP who are directly certified for free school meals (i.e., 80 percent of SNAP program records must be matched to student enrollment records). The matching is conducted at the local level.

The VDOE Office of School Nutrition Programs was recently notified by USDA that, in the soon to be released *Report to Congress - Direct Certification in the National School Lunch Program: State*

Implementation Progress School Year 2012-2013, Virginia achieved the required benchmark for the 2012-2013 school year and will receive a performance bonus. Full details will be available once the report is released.

- Section 201- Changes in school meals - This section of the HHFKA implemented the first major changes in school meals in fifteen years. The new standards align school meals with the latest nutrition science. Meals must meet the Dietary Guidelines for Americans and must provide each age/grade group the required nutrients and calorie levels. The new standards identify the healthy ranges for five categories of food - fruits, vegetables, grains, meats or meat alternatives, and fluid milk - as well as the healthy ranges for total calories, saturated and trans fat, and sodium. For the grains and the meats/meat alternates components there are science-based, age-appropriate daily minimum quantities, as well as weekly minimum and maximum quantities for total calories. The implementation of most of the required changes are being phased in over a three year period beginning in SY 2012-2013 in order to allow school divisions to be successful in implementing the changes and to allow industry and food manufactures the time to change product formulations and portion sizes. The reductions in the sodium content of school meals is the most challenging and the regulations allow for a gradual phase in over a 10 year period beginning with school year 2014-2015.

In Virginia, the VDOE Office of School Nutrition Programs (OSNP) has provided technical assistance, training, and guidance over the past several years in preparation for the anticipated changes in the regulations. Many school divisions have embraced these changes and began voluntarily phasing in the new requirements over the past several years. VDOE continues to work with school divisions to help them properly implement the new regulatory requirements.

This section of the law further authorizes performance-based reimbursement rate increases of six cents for every lunch meal served. This is beyond the normal yearly increase in federal reimbursement rates. To qualify, school divisions were required to be certified by VDOE to be in compliance with the new nutrition standards and meal pattern regulations. School divisions across Virginia have done an outstanding job of complying with the new regulations while at the same time accommodating the tastes and likes of the students. Virginia is successfully implementing this provision with close to 90 percent of school divisions and RCCIs certified to be in compliance and receiving the additional performance-based reimbursement. OSNP staff have provided extensive training and technical assistance to LEAs to help ensure success in this area.

- Section 207: Federal Program Administrative Review Cycle - this section of the HHFKA requires a unified accountability system designed to ensure that participating school food authorities (SFAs) or school divisions comply with the National School Lunch Program (NSLP) and School Breakfast Program (SBP) requirements. USDA has issued new regulatory guidance and requirements for conducting the Federal Programs Administrative Reviews. The review cycle changed from a five-year cycle to a three-year cycle effective school year 2013-2014. This more frequent review cycle will have a staffing impact at the state and local levels.
- Section 104 - Community Eligibility Option (CEO) - the law provides an alternative to household applications for free and reduced price meals in high poverty LEAs and schools referred to as the Community Eligibility Option (CEO). The law requires the CEO to be phased in over a period of three years, beginning July 1, 2011, until it is available nationwide to all eligible LEAs beginning July 1, 2014. CEO allows LEAs or schools with 40 percent or more of students who are eligible for free meals through a means of direct certification (SNAP/TANF, Homeless, Migrant, Runaway, Foster, Head Start, Pre-K, Even Start) to serve meals at no cost to ALL students. Federal reimbursement for these meals would be based on a USDA established multiplier of 1.6 to determine the number of meals reimbursed at the free rate, and the remainder of meals would be reimbursed at the paid rate. The LEA must cover, from non-federal sources, any costs of providing free meals to all students in excess of the federal reimbursement received.

Under the CEO provision, individual student free lunch eligibility data will no longer be available in

divisions or schools implementing this provision. In Virginia, a significant amount of state education funding is distributed using free lunch eligibility data as part of the funding formula. It is necessary to assess the impact of CEO on LEAs and state funding formulas and to develop strategies to overcome identified implementation issues before Virginia can implement the CEO. The VDOE is evaluating the requirements of implementation and the impact on program funding formulas. A future superintendent's memo will be issued and training provided for LEAs who may be eligible for this option.

- Section 208: Nutrition Standards For All Food Sold On School Grounds During The School Day - The USDA recently issued the interim rule, *National School Lunch and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010*. The interim final rule amends the National School Lunch Program and School Breakfast Program regulations to establish nutrition standards for all foods sold in schools during the school day on school grounds outside the national school lunch and school breakfast programs. These new regulations are effective July 1, 2014. All schools participating in the lunch and breakfast programs will be required to comply with all provisions of the new regulation. This regulation does not affect foods sold under the national school lunch and school breakfast programs, and it does not apply to food brought into school in bagged lunches or for activities such as birthday parties or other celebrations. Foods sold at afterschool events (e.g., sporting events) or off school grounds are not subject to these standards. These federal standards are being called “*The Smart Snacks in School Standards*” and are intended to balance science-based nutrition guidelines with practical and flexible solutions to promote healthier eating on campus. They are based on recommendations from the Institute of Medicine and existing voluntary standards already implemented by many schools around the country.

The rising rate of childhood obesity has become a major health concern, because of both its impact on childhood health and as a contributing factor to chronic disease in adulthood. In response to this growing concern, attention has focused on the need to establish nutrition standards for foods in schools by offering healthier food options on school grounds that will contribute to an overall healthful eating environment. From a nutritional perspective, the goal is to increase the consumption of whole grains, fruits, vegetables, and nonfat or low-fat dairy, and reduce fat, sugars, and sodium in support of the Dietary Guidelines for Americans.

Contemporaneous with the new federal regulations on competitive foods, Virginia is leading state efforts to support healthy lifestyles for school age children and has been proactive in addressing health and nutrition. Senate Bill 414 (2010) added Section 22.1-207.4 to the *Code of Virginia* on nutritional guidelines for competitive foods. This legislation required the Board of Education, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours that are not part of the federal school lunch or school breakfast programs. The Institute of Medicine’s (under the National Academy of Sciences) *Nutrition Standards for Foods in Schools: Leading the Way to a Healthier Youth* was used as the basis for the nutritional standards in the proposed regulations. The IOM standards were used since it was anticipated that the USDA would use these same standards in developing its own nutritional standards for competitive foods, which was the case.

The Board of Education’s proposed regulation is currently open for public comment with a public hearing scheduled at the close of the Board of Education business meeting on October 24, 2013. In light of the newly released federal regulation on this same topic for implementation July 1, 2014, the proposed Virginia regulation on competitive foods should be reviewed to ensure consistency and avoid conflicting regulatory requirements.

VDOE Participation in Virginia Initiatives and Partnerships in Childhood Hunger, Nutrition, and Wellness:

- Participate as a member of the Interagency Task Force on Obesity that brings together state agencies to work collaboratively to address health wellness, obesity, and hunger issues in Virginia.
- Participate as a member of the Governor’s No Kid Hungry initiative with Share Our Strength and numerous state and non-governmental partners to address childhood hunger.
- Work in partnership with the Virginia Department of Health and the USDA Strike Force to expand summer feeding programs to ensure children have access to nutritious meals throughout the summer.

- Established a Governor's Nutrition and Physical Activity Award for schools that implement best practices in nutrition, nutrition education, parent/student involvement, physical education, recess, and community involvement. This award recognizes and rewards schools for encouraging healthy habits. Schools earn points by completing the scorecard and receive a Gold, Silver, or Bronze award for exemplary health practices if their scores qualify. Greater than 85 percent of school divisions have participated by using the online scorecard to enter data for their schools. Of the nearly 1,000 schools participating, more than 30 percent earned awards through 2012-2013. The award criteria will be revised to conform to the new federal and state regulations.
- Developed an online best practice database tool, which was implemented in the 2010-2011 school year to allow schools to share their best practices that address child nutrition and obesity issues through good nutrition and increased physical activity. The online database will also provide access to aggregate data from all schools reporting the results of their Virginia Wellness Related Fitness Test.
- Expanded school breakfast program participation through state incentive funding of 22 cents per meal for new breakfast participation. Since its inception, the breakfast incentive has sustained a more than 27 percent increase in the number of school breakfasts served to students at a total cost of just \$4.8 million in state funds over four years. An increase in federal funds earned by school nutrition programs has also resulted each year since the state funding incentive began.
- Participation in the national Healthier US School Challenge (HUSSC). Since 2010, more than 125 Virginia schools have been HUSSC award winners. Nearly 10 percent of the current 723 nationwide HUSSC award-winning schools are located in Virginia.
- Collaborate with the Virginia Department of Agriculture and Consumer Services, Cooperative Extension, other state agencies, local school divisions and non-governmental organizations to promote and expand the Farm-to-School program with the purpose of increasing the availability of locally, grown Virginia agricultural products in school meals.
- Provide staff support in the development of the Board's regulations to establish nutritional guidelines for competitive foods in school.
- Participate as a member of the Virginia School Nutrition Association and the National School Nutrition Association.

VDOE ongoing work to address child nutrition:

- Promote the availability of the USDA National School Lunch Program, School Breakfast Program, Afterschool Snack Program and Fresh Fruit and Vegetable Program to students in Virginia's public schools.
- Monitor school division compliance with USDA school meal program regulations.
- Provide professional development for school nutrition managers and staff, school nutrition directors, teachers, principals, and other stakeholders on the Dietary Guidelines for Americans, My Pyramid, and other nutrition topics, as well as strategies for increasing student knowledge of healthy eating habits and marketing healthy choices to students in the school nutrition programs.
- Conduct semi-annual regional meetings for school nutrition directors to provide information, to assist with implementation of regulations, to assess operational issues, and to provide current research and professional development on topics such as childhood obesity.
- Provide annual summer workshops for all school cafeteria managers which include education on issues related to childhood obesity and strategies to assist students in making healthy choices in the school meal programs.
- Provide professional development opportunities for school principals, school superintendents, school nutrition directors, and school health advisory board members in the development and implementation of the local wellness policy.
- Provide information about use of the Governor's Nutrition and Physical Activity Award scorecard as an assessment tool for establishing baseline data on physical education, nutrition education, nutrition standards, and other activities to support student wellness.
- Promote the best practice standards of the scorecard as a policy development tool with superintendents, school board members, school health advisory board contacts, school health and physical education coordinators, school nurses, and school nutrition directors.

- Collaborate across disciplines with other DOE staff to assist school divisions in recognizing the issues regarding childhood obesity and implementing practices to ameliorate the problem, emphasizing similar collaboration needed in local school divisions.
- Participate in the Virginia Action for Healthy Kids (VAFHK) initiative to help reduce the risk of childhood obesity, by ensuring children and adolescents obtain optimal nutrition and physical activity in schools.
- Participate in the Alliance for Healthy Virginians, in collaboration with partners from the Virginia Nutrition Assistance Network, State Nutrition Action Team, and Virginia Cooperative Extension, to address childhood obesity issues in schools and in the low-income population in Virginia.
- Provide sponsorship and presentations at Virginia's annual *Weight of the State* summit on childhood obesity.

The Board's discussion included:

- Mrs. Beamer asked for clarification regarding the Summer Feeding Program. Mrs. Digilio-Grimes said that fifty percent of students up to age eighteen in a community must be eligible for meals to qualify for the Summer Feeding Program.
- Mr. Braunlich asked about the rationale for Chesterfield County and Hanover County not participating in the food nutrition program for high school students. Mrs. Digilio-Grimes said these school divisions can earn sufficient funds for the program without being bound by federal regulations.
- Mr. Braunlich asked about the issue pertaining to athletes wanting more food. Mrs. Digilio-Grimes said the reimbursement is for a standard reimbursable meal meeting the nutritional guidelines and anything else is sold a la carte.
- Mrs. Sears said that some school divisions complain that students are not eating the healthy meals provided. Mrs. Digilio-Grimes said these school divisions receive technical assistance on how to provide meals for what students enjoy eating which meet requirements for a standard reimbursable meal.
- Mrs. Atkinson said she was concerned that if a student is given a free lunch that they have to buy additional food from the a la carte menu.
- Mrs. Atkinson said that in the past, high school students were not willing to identify themselves as eligible for the free lunch program and asked if this is still a problem. Mrs. Digilio-Grimes said that a family application can be submitted for the free lunch program and the high school student will not need to submit another application.
- Mrs. Atkinson asked if there are obstacles for school divisions to provide a free breakfast. Mrs. Digilio-Grimes said that school divisions have creative ways to provide a free breakfast as an alternative to eating in the cafeteria.
- Mrs. Wodiska asked about the timeline for the eligibility for the Summer Feeding Program. Mrs. Digilio-Grimes said a Superintendent's Memo will be sent to school divisions describing the Summer Feeding Program.
- Mrs. Wodiska asked what can be done with partnering with organizations to sponsor Free Summer Programs.

The Board received the report on school nutrition programs.

Mr. Foster introduced Mrs. Barbara Coyle, executive director of the Virginia School Boards Association (VSBA). Mrs. Coyle talked about the Food for Thought Initiative. Mrs. Coyle recognized the following school divisions for their model programs:

Cumberland County Public Schools
Portsmouth City Public Schools
Isle of Wight County Public Schools
Norfolk City Public Schools
Manassas City Public Schools
Chesterfield County Public Schools

After the presentation, Mrs. Wodiska congratulated Mrs. Coyle on her retirement and thanked her for her leadership and service at VSBA.

DISCUSSION OF CURRENT ISSUES

The Board met for a public dinner on Wednesday, October 23, 2013, at the Crowne Plaza Richmond Downtown with the following members present: Mrs. Atkinson, Dr. Baysal, Mrs. Beamer, Mr. Braunlich, Dr. Cannaday, Mrs. Sears, Mrs. Wodiska, and Mr. Foster. Dr. Patricia Wright, Superintendent of Public Instruction, also attended the meeting. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 9:00 p.m.

EXECUTIVE SESSION

Mr. Foster made a motion to go into executive session under *Virginia Code §2.2-3711(A)(41)*, to convene in a closed meeting for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and that Noelle Shaw-Bell legal counsel to Virginia Board of Education as well as staff members, Dr. Patricia Wright, Patty Pitts, Nancy Walsh, Richard Schley, and Mark Saunders participate in this closed meeting. The motion was seconded by Dr. Cannaday and carried unanimously. The Board went into Executive Session at 2:40 p.m.

Mr. Foster made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board reconvened at 4:15 p.m.

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

Board Roll call:

Dr. Baysal – Yes
Mr. Braunlich – Yes
Mrs. Beamer – Yes
Mr. Foster – Yes
Mrs. Atkinson – Yes
Mrs. Sears – Yes
Mrs. Wodiska – Yes

Dr. Cannaday – Yes, via written certification

The Board made the following motions:

- Mr. Foster made a motion to deny a license to Xavier Linwood Downs. The motion was seconded by Mrs. Atkinson and carried unanimously.
- Mr. Foster made a motion to revoke the license of Robert Cass Fenn. The motion was seconded by Mrs. Atkinson and carried unanimously.
- Mr. Foster made a motion to deny a license to Tanjiah Amina Hamilton. The motion was seconded by Mrs. Beamer and carried unanimously.
- Mr. Foster made a motion to issue a license in Case #4. The motion was seconded by Dr. Baysal and carried unanimously.
- Mr. Foster made a motion that the individual in Case #5 appear before the Board if license renewal is requested. Mrs. Beamer recused herself because of prior knowledge of the case. The motion was seconded by Mrs. Sears. The motion passed with six “yes” votes and one abstained from Mrs. Beamer.
- Mr. Foster made a motion to defer action in Case #6. The motion was seconded by Dr. Baysal and carried unanimously.
- Mr. Foster made a motion to take no action against the license in Case #7. The motion was seconded by Mr. Braunlich and carried unanimously.
- Mr. Foster made a motion to issue a license in Case #8. The motion was seconded by Mrs. Beamer and carried unanimously.
- Mr. Foster made a motion to deny a license to Carron L. Penn. The motion was seconded by Mrs. Atkinson and carried unanimously.
- Mr. Foster made a motion to revoke the license of Aaron D. Siegrist. The motion was seconded by Mrs. Beamer and carried unanimously.

PUBLIC HEARING

Mr. Foster opened the floor for the public hearing on *Regulations Governing Nutritional Guidelines for Competitive Foods Sold in Virginia Public Schools*.

The following persons spoke during public comment:

- Debbie Shifflett
- Christopher Ramos

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Foster adjourned the meeting at 4:25 p.m.



President