

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

February 25, 2016

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

Dr. Billy K. Cannaday, Jr., President
Mrs. Joan E. Wodiska, Vice President
Mrs. Diane T. Atkinson
Dr. Oktay Baysal

Mr. James H. Dillard
Mrs. Elizabeth V. Lodal
Mr. Sal Romero, Jr.

Dr. Steven R. Staples, Superintendent of
Public Instruction

Dr. Cannaday called the meeting to order at 9 a.m. Dr. Cannaday noted that Mr. Gecker was absent due to a prior commitment.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Cannaday asked for a moment of silence and led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Atkinson made a motion to approve the minutes of the January 28, 2016, meeting of Board. The motion was seconded by Mr. Dillard and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

VISITOR

Dr. Cannaday introduced Emily Fuller, a high school senior in Virginia Beach, who is shadowing Dr. Staples, Superintendent of Public Instruction, for the day.

RESOLUTIONS/RECOGNITION

- On behalf of the Board, Dr. Cannaday acknowledged the following:
 - Career and technical education teachers and students across the Commonwealth in recognition of Career and Technical Education Month.
 - Local school boards across the Commonwealth in recognition of School Board Appreciation Month.
 - Department of Education staff who will participate in Read Across America Day, March 2, 2016.

- A Resolution of Appreciation for Outstanding Leadership and Service to Public Education was presented to Mrs. Darla Edwards, Virginia Board of Education Member, 2012-2016.

PUBLIC COMMENT

The following persons spoke during public comment:

- Dr. Barbara Laws, spoke on arts education
- Michael Gettings, spoke on STEAM (Science, Technology, Engineering, Arts and Math)
- Dr. Michael Asip, spoke on restraint and seclusion regulations
- James Batterson, spoke on Science Standards of Learning
- Emily Dreyfus, spoke on restraint and seclusion regulations
- Meg Gruber, spoke on restraint and seclusion regulations
- Michelle Williams, spoke on special education complaints
- Kandise Lucas, spoke on advocacy for children with disabilities
- Lorraine Wright, spoke on honest conversations about race

Dr. Cannaday noted that it is not the custom of the Board to respond to public comments during the Board meeting, but as a public body that volunteers their service and time, the Board takes offense to the claim that the Board's actions are designed to perpetuate racial discrimination or do not attend to the needs of children of color, or other children. Dr. Cannaday noted that Virginia was one of the few states to take action before No Child Left Behind to address the needs of all children. This Board supports quality educational opportunities for all children. He encouraged future conversations to be about issues, not individual people. He also acknowledged appreciation for public comment.

Mr. Dillard added that he believes there are serious problems that need to be addressed, and what he conveyed was the idea that personal attacks are not conducive to helping solve problems.

CONSENT AGENDA

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

Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Funds or Placement on a Waiting List

With the Board's approval of the consent agenda, the Board of Education approved the following action:

1. Prince George County's North Elementary School project, with a priority ranking of number two on the First Priority Waiting List as of January 28, 2016, was placed on the First Priority Waiting List in October 2007. This project is eligible to receive a \$7.50 million Literary Fund loan for the new school construction project which was

completed in 2009. The North Elementary School serves pre-kindergarten and grades K through 5 students.

The project was initially completed using a portion of the County’s 2008A general obligation bonds. Proceeds from the Literary Fund loan will be used by Prince George County to refinance these general obligation bonds at the lower Literary Fund interest rate of two percent. Under the *Code*, Literary Fund loan proceeds may be used to refinance prior local debt used for the initial financing of Literary Fund projects. Since the North Elementary School project is ready to proceed with release of the Literary Fund loan, it is being presented to the Board ahead of the project ranked number one on the Waiting List. However, sufficient Literary Fund revenue is reserved for the project ranked number one when it is ready to proceed with release of the loan.

ACTION/DISCUSSION ITEMS

Final Review of Requests for Continued Rating of Partially Accredited: Reconstituted School from Four School Divisions

Mrs. Beverly Rabil, director, Office of School Improvement, Division of Student Assessment and School Improvement, presented this item. Mrs. Rabil’s presentation included the following:

- The following four schools were granted a rating of *Conditionally Accredited* for the 2014-2015 school year and are seeking continuation of this status by requesting a rating of *Partially Accredited: Reconstituted School*.

Name of Division	Name of School Requesting Rating of <i>Partially Accredited: Reconstituted School</i>
Hampton City Public Schools	Jane H. Bryan Elementary School
Lynchburg City Public Schools	Sandusky Middle School
Richmond City Public Schools	Thomas C. Boushall Middle School
Virginia Beach City Public Schools	Bayside Middle School

- All schools granted continued ratings of *Partially Accredited: Reconstituted School* will participate in the Aligning Academic Review and Performance Evaluation (AARPE) technical assistance from the VDOE. Technical assistance will focus on developing sample evidence for the sample performance indicators in Teacher Performance Standard 4: Assessment of and for Learning. The sample evidence for each performance indicator will become a tool that can enhance the division’s observation tools. Principals/division staff will use their own work as a starting point and will bring “real work” artifacts to each session throughout the year.
- In addition to the technical assistance, school divisions with schools that are approved for a continued rating of *Partially Accredited: Reconstituted School* will be required to enter into an agreement with the Superintendent of Public Instruction that details the essential actions that must occur in 2015-2016. School divisions that are denied their requests for a continued rating of *Partially Accredited: Reconstituted School* will enter into a Memorandum of Understanding with the Board of Education.

Mrs. Atkinson made a motion to approve the recommendations as stated below. The motion was seconded by Dr. Baysal and carried unanimously.

1. The Superintendent of Public Instruction recommends that the Board of Education approve the request for a continued rating of *Partially Accredited: Reconstituted School* for Jane H. Bryan Elementary School from Hampton City Public Schools. The approval of this rating is contingent on the superintendent of Hampton City Public Schools continuing an agreement with the Superintendent of Public Instruction that details the essential actions that must occur in the 2015-2016 school year to improve the achievement of the students in this school. This agreement must be signed by both parties by April 15, 2016, or the school will revert to a designation of *Accreditation Denied*.

Rationale: Jane H. Bryan Elementary School data demonstrate progress toward a rating of *Fully Accredited*.

2. The Superintendent of Public Instruction recommends that the Board of Education approve the request for a continued rating of *Partially Accredited: Reconstituted School* for Sandusky Middle School from Lynchburg City Public Schools. The approval of this rating is contingent on the superintendent of Lynchburg City Public Schools continuing an agreement with the Superintendent of Public Instruction that details the essential actions that must occur in the 2015-2016 school year to improve the achievement of the students in this school. This agreement must be signed by both parties by April 15, 2016, or the school will revert to a designation of *Accreditation Denied*.

Rationale: Sandusky Middle School data demonstrate progress toward a rating of *Fully Accredited*.

3. The Superintendent of Public Instruction recommends that the Board of Education approve the request for a continued rating of *Partially Accredited: Reconstituted School* for Thomas C. Boushall Middle School from Richmond City Public Schools. The approval of this rating is contingent on the superintendent of Richmond City Public Schools continuing an agreement with the Superintendent of Public Instruction that details the essential actions that must occur in the 2015-2016 school year to improve the achievement of the students in this school. This agreement must be signed by both parties by April 15, 2016, or the school will revert to a designation of *Accreditation Denied*.

Rationale: Thomas C. Boushall Middle School data demonstrate progress toward a rating of *Fully Accredited*.

4. The Superintendent of Public Instruction recommends that the Board of Education approve the request for a continued rating of *Partially Accredited: Reconstituted School* for Bayside Middle School from Virginia Beach City Public Schools. The approval of this rating is contingent on the superintendent of Virginia Beach City Public Schools continuing an agreement with the Superintendent of Public Instruction that details the essential actions that must occur in the 2015-2016 school year to improve the achievement of the students in this school. This agreement must be signed by both parties by April 15, 2016, or the school will revert to a designation of *Accreditation Denied*.

Rationale: Bayside Middle School data demonstrate progress toward a rating of *Fully Accredited*.

Final Review of Memorandum of Understanding as Required of Schools in Accreditation Denied Status for Newport News City Public Schools

Mrs. Beverley Rabil also presented this item. Mrs. Rabil's presentation included the following:

- As provided for in 8 VAC 20-131-300.C.5 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, if a local school board chooses to reconstitute a school, it may annually apply for an accreditation rating of *Partially Accredited: Reconstituted School*. The *Partially Accredited: Reconstituted School* rating may be granted for a period not to exceed three years if the school is making progress toward a rating of *Fully Accredited* in accordance with the terms of the Board of Education's approval of the reconstitution application. The school will revert to a status of *Accreditation Denied* if it fails to meet the requirements to be rated *Fully Accredited* by the end of the three-year term or if it fails to have its annual application for such rating renewed.
- Based upon 8 VAC 20-131-300.C.5, Willis A. Jenkins Elementary School was rated *Conditionally Accredited* for the 2014-2015 school year and will be in *Accreditation Denied* status for the first time in 2015-2016. As a result, the school is subject to actions prescribed by the Virginia Board of Education (VBOE) and affirmed through a Memorandum of Understanding between the VBOE and the local school board.
- A corrective action plan for the school must be submitted to the Board of Education by March 31, 2016. Listed below is a general description of technical assistance to be included in the corrective action plan.
 - All schools rated *Accreditation Denied* will participate in the Aligning Academic Review and Performance Evaluation (AARPE) technical assistance from the VDOE. Technical assistance will focus on developing sample evidence for the sample performance indicators in Teacher Performance Standard 4: Assessment of and for Learning. The sample evidence for each performance indicator will become a tool that can enhance the division's observation tools. Principals/division staff will use their own work as a starting point and will bring "real work" artifacts to each session throughout the year. Principals, appropriate division staff, and state contractors will conduct inter-rater reliability monthly walkthroughs and/or formal observations two times between October and December. (Inter-rater reliability deals with consistency between the evidence-collection of two or more observers.) Division staff will support and monitor principals' delivery of professional development on the sets of sample evidence developed to appropriate school staff. Outcomes/next steps will be identified at each session. Contractors will be assigned to each school as a part of the AARPE technical assistance.
 - Using research-based indicators that lead to increased student achievement is imperative for school improvement. Schools rated *Accreditation Denied* will provide quarterly data reports to the Office of School Improvement (OSI) on mutually determined school-level data points. Divisions will meet triannually with the Office of School Improvement to review quarterly report data and collaboratively determine next steps.
 - Asset mapping and selected essential actions resulting from Academic Reviews will be a part of each school's corrective action plan. OSI staff will assist in reviewing essential actions to determine those needed in the corrective action plan. OSI staff will provide technical assistance in using the asset mapping tool and in determining next steps.

Mrs. Atkinson made a motion to approve the Memorandum of Understanding with the Newport News City School Board for Willis A. Jenkins Elementary School. The motion was seconded by Dr. Baysal and carried unanimously.

Final Review of Recommended Cut Scores for the ACT WorkKeys Reading for Information Test When Used as a Substitute Test for the Standards of Learning End-of-Course Reading Test

Mrs. Shelley Loving-Ryder, assistant superintendent, Division of Student Assessment and School Improvement, presented this item. Mrs. Loving-Ryder's presentation included the following:

- The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* at 8VAC20-131-110 permit the Virginia Board of Education to approve additional "substitute" tests for the purpose of awarding verified credit.

8VAC20-131-110 Standard and verified units of credit.

C. The Board of Education may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria: 1. The test must be standardized and graded independently of the school or school division in which the test is given;

2. The test must be knowledge based;

3. The test must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program; and

4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.

The Board of Education will set the score that must be achieved to earn a verified unit of credit on the additional test options.

1. The test must be standardized and graded independently of the school or school division in which the test is given;

2. The test must be knowledge based;

3. The test must be administered on a multistate or international basis, or administered as part of another state's accountability assessment program; and

4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.

The Board of Education will set the score that must be achieved to earn a verified unit of credit on the additional test options.

- Roanoke City Public Schools has nominated the *ACT WorkKeys Reading for Information* test as a substitute assessment for the Standards of Learning (SOL) end-of-course Reading test. The *ACT WorkKeys Reading for Information* test is one of three WorkKeys assessments used with the National Career Readiness Certificate. It measures the skills people use when they read and use written text in order to do a job. The written texts include memos, letters, directions, signs, notices, bulletins, policies, and regulations. The test consists of 33 questions and produces scores of <3, 3, 4, 5, 6, or 7
- In compliance with procedures established by the Virginia Board of Education for the approval of substitute tests, staff in the Division of Instruction at the Virginia Department of Education reviewed the *ACT WorkKeys Reading for Information* test and determined that the content assessed was consistent with that measured by the SOL end-of-course Reading test. Following this review, staff in the Division of Student Assessment and School Improvement reviewed the technical quality of the assessment, and in December 2015, a committee of Virginia educators recommended scores on the *ACT WorkKeys Reading for Information* test that would be equivalent to scores of pass/proficient and pass/advanced on the SOL end-of-course Reading test.
- The current list of substitute tests approved by the Board of Education may be found at http://www.doe.virginia.gov/testing/substitute_tests/index.shtml. The substitute tests are used to award verified credit for students and are included in the accreditation calculations for schools.

Board discussion:

- Mrs. Atkinson said she is excited about the opportunity this will give English Language Learners who are struggling with SOL tests.
- Mrs. Wodiska said she is also excited because it will remove a barrier for students trying to achieve success and will show what they already know.

Mrs. Wodiska made a motion to approve the addition of the *ACT WorkKeys Reading for Information* test to the list of substitute tests approved for verified credits for the SOL end-of-course reading test with required scores of at least a 4 for pass/proficient and at least a 6 for pass/advanced. The motion was seconded by Mrs. Atkinson and carried with six votes. Dr. Baysal was not present to vote on this item.

Final Review of Revisions to the Virginia Board of Education's Bylaws

Mrs. Melissa Luchau, director, Office of Board Relations, Division of Policy and Communications, presented this item. Mrs. Luchau's presentation included the following:

- The primary revisions were made to bring the bylaws in line with current practice and the *Code of Virginia*.
- Based on feedback from Board members in January changes were made to the following sections, as noted below.
 - Article One: Purpose - "Engaged and enlightened citizen" language was added to the mission statement
 - Article Three: Officers – Clarifies the term of office for the President and Vice-President
 - Article Four: Meetings – Provides that the schedule adopted by the Board shall include the term for the Board's officers and when elections will occur. It was also clarified that if five or more members request a special meeting, it shall be called. The specifications for a quorum were clarified, as stated in the *Code of Virginia*. In accordance with the *Code of Virginia*, language was added to provide that members shall participate in Conflict of Interest training. Further, it was specified that the electronic participation policy applies to all meetings of the Board and its committees, and members participating electronically in accordance with the policy may vote.
 - Article Six: Actions of the Board – Title was aligned with language in the section
 - Article Nine: Committees – Article number was corrected
 - Article Eleven: Public Participation – The issues on which members of the public may address the Board was clarified, and the Board President's or committee chair's discretion was clarified.

Board discussion:

- Dr. Cannaday thanked Mrs. Luchau and Mr. Dillard for their work. Dr. Cannaday said the Board now has an updated guidance document that explains the work of the Board.

Mrs. Atkinson made a motion to approve the revisions to the Board of Education's Bylaws, and authorize Virginia Department of Education staff to make technical edits. The motion was seconded by Mrs. Wodiska and carried unanimously.

First Review of Memoranda of Understanding as Required of Schools in Accreditation Denied Status for Danville City Public Schools, Essex County Public Schools, Hampton City Public Schools, Portsmouth City Public Schools, Richmond City Public Schools, and Staunton City Public Schools

Mrs. Beverly Rabil also presented this item. Mrs. Rabil's presentation included the following:

- Section [8 VAC 20-131-315](#) of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) requires certain actions for schools that are denied accreditation:

<p>A. Any school rated <i>Accreditation Denied</i> in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:</p> <ol style="list-style-type: none"> Written notice of the school’s accreditation rating within 30 calendar days of the notification of the rating from the Department of Education; A copy of the school division’s proposed corrective action plan, including a timeline for implementation, to improve the school’s accreditation rating; and An opportunity to comment on the division’s proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school’s corrective action plan and a Board of Education memorandum of understanding with the local school board. <p>B. Any school rated <i>Accreditation Denied</i> in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board. The local school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded. The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.</p> <p>The memorandum of understanding may also include but not be limited to:</p> <ol style="list-style-type: none"> Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.
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- The following schools are in *Accreditation Denied* status for the first time in 2015-2016 and are subject to actions prescribed by the Virginia Board of Education (VBOE) and affirmed through a memorandum of understanding between the VBOE and the local school boards.

Name of Division	Name of Schools in <i>Accreditation Denied</i> Status
Danville City Public Schools	Woodberry Hills Elementary School
Essex County Public Schools	Essex High School
Hampton City Public Schools	A. W. E. Bassette Elementary School
Hampton City Public Schools	Hunter B. Andrews School
Portsmouth City Public Schools	Churchland Middle School
Richmond City Public Schools	Martin Luther King, Jr. Middle School
Richmond City Public Schools	Patrick Henry School of Science and Arts
Staunton City Public Schools	Bessie Weller Elementary School

- A corrective action plan for each of these schools must be submitted to the Board of Education by April 16, 2016. Listed below is a general description of technical assistance to be included in the corrective action plan.
 - All schools rated *Accreditation Denied* will participate in the Aligning Academic Review and Performance Evaluation (AARPE) technical assistance from the VDOE. Technical assistance will focus on developing sample evidence for the sample performance indicators in Teacher Performance Standard 4: Assessment of and for Learning. The sample evidence for each performance indicator will become a tool that can enhance the division’s observation tools. Principals/division staff will use their own work as a starting point and will bring “real work” artifacts to each session throughout the year.

Principals, appropriate division staff, and state contractors will conduct inter-rater reliability monthly walkthroughs and/or formal observations two times between October and December. (Inter-rater reliability deals with consistency between the evidence-collection of two or more observers.) Division staff will support and monitor principals' delivery of professional development on the sets of sample evidence developed to appropriate school staff. Outcomes/next steps will be identified at each session. Contractors will be assigned to each school as a part of the AARPE technical assistance.

- Using research-based indicators that lead to increased student achievement is imperative for school improvement. Schools rated *Accreditation Denied* will provide quarterly data reports to the Office of School Improvement (OSI) on mutually determined school-level data points. Divisions will meet triannually with the Office of School Improvement to review quarterly report data and collaboratively determine next steps.
- OSI staff will assist in reviewing essential actions to determine those needed in the corrective action plan. OSI staff will provide technical assistance in using the asset mapping tool and in determining next steps.

Mrs. Lodal made a motion to waive first review of Memoranda of Understanding as Required of Schools in *Accreditation Denied* Status for Danville City Public Schools, Essex County Public Schools, Hampton City Public Schools, Portsmouth City Public Schools, Richmond City Public Schools, and Staunton City Public Schools and approve the recommendations as stated below. The motion was seconded by Mrs. Wodiska and carried unanimously.

1. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with the Danville City School Board for Woodberry Hills Elementary School.
2. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with the Essex County School Board for Essex High School.
3. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memoranda of Understanding with the Hampton City School Board for A. W. E. Bassette Elementary School and Hunter B. Andrews School.
4. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with the Portsmouth City School Board for Churchland Middle School.
5. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memoranda of Understanding with the Richmond City School Board for Martin Luther King, Jr. Middle School and Patrick Henry School of Science and Arts.
6. Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with the Staunton City School Board for Bessie Weller Elementary School.

First Review of Proposed Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia (Proposed Stage)

Mr. John Eisenberg, assistant superintendent, Office of Special Education and Student Services, presented this item. Mr. Eisenberg's presentation included the following:

- The Virginia General Assembly has enacted HB 1443 (2014), amending the *Code of Virginia* by adding section number 22.1-279.1:1, relating to the use of seclusion and restraint in public schools. The bill requires the Board of Education to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its *Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations* and the *Fifteen Principles* contained in the U.S. Department of Education's *Restraint and Seclusion: Resource Document*; (ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students.
- Staff in the Virginia Department of Education's (VDOE) Division of Special Education and Student Services conducted a fifty-state survey of legislation and regulations addressing the use of restraint and seclusion in public schools. In addition, staff held several internal meetings to begin to identify key issues for inclusion into these proposed regulations.
- In August, September and October of 2015, VDOE hosted three informal stakeholder meetings. Each meeting lasted for three hours. Representatives of the following organizations were invited to attend:

Virginia ARC
Virginia Board for People with Disabilities
Virginia Commission on Youth
Family Members
Virginia Education Association disAbility Law Center
JustChildren
Virginia School Boards Association
Virginia Association of School Superintendents
Virginia Council of Administrators of Special Education
Higher Education Representatives
Virginia Association of PTAs
Parent Education and Training Center
Partnership for People with Disabilities
Virginia Association of Elementary School Principals
Virginia Association of Secondary School Principals

Summary of Significant Areas of Disagreement

- The 2015 statute (HB 1443/SB 782) directs the Board to develop regulations that are consistent with the 15 *Principles* articulated in the United States Department of Education's (USDOE) 2012 *Restraint and Seclusion Resource* document.
- The stakeholder groups listed above had lively debates concerning the very definition of restraint and seclusion. The third Principle of the USDOE document states that "physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others."
- Longstanding law in Virginia—§ 22.1-279.1—provides that the prohibition on the use of corporal

punishment in public schools DOES NOT preclude reasonable force to (i) quell a disturbance that threatens serious physical harm or injury to persons or damage to property; (ii) remove a student from the scene of a disturbance that threatens serious physical injury to persons or damage to property; (iii) defend self or others; (v) obtain possession of controlled substances or paraphernalia which are upon the person of the student or within the student's control; (vi) to obtain possession of weapons or other dangerous objects that are upon the person of the student or within the student's control.

- Nowhere do the *15 Principles* address the use of restraint or “reasonable force” regarding damage to property or obtaining drugs, etc. from students—scenarios which, in some cases, may not clearly meet the “imminent danger of serious physical harm to self or others” standard articulated by the *15 Principles*. Parties expressed sharp disagreement as to how the regulations should reconcile current permitted practices with the new statutory mandate. The Board may wish to consider seeking an opinion from the Office of the Attorney General (OAG) regarding the reconciliation of these principles prior to moving forward with public comment on the regulations.
- Another concern involves training and follow-up requirements. The *15 Principles* clearly contemplate that staff receive training in the proper use of restraint and seclusion. Opinion varied as to whether all or some staff must have extensive training to intervene in common situations, such as student altercations. In addition, parties differed regarding the timing and need for parental, division and state notification and reporting, given current crime and violence reporting requirements that do not set a time frame. Also, opinion diverged considerably about the timing, scope and nature of debriefing and student and staff follow-up.
- These proposed regulations are based on two foundational—and consonant—principles: that schools must be safe for all children and that school personnel must be equipped to address emergencies and disruptions effectively, while protecting the dignity of all students, the integrity of the classroom, and the safety of all persons in our public schools. The proposed regulations attempt to reconcile the two opposing statutes.

The following is a brief summary of the proposed regulations:

1. Permit, but do not require, school divisions to implement physical restraint and seclusion in public schools. School divisions electing to use physical restraint and seclusion must follow regulations.
2. Preclude the use of seclusion cells; aversive stimuli; and prone, pharmacological, and mechanical restraints.
3. Prohibit the use of physical restraint and seclusion as (i) punishment or discipline; (ii) means of coercion or retaliation; or (iii) convenience.
4. Exclude from physical restraint: (i) briefly holding student to calm or comfort the student; (ii) holding student's hand or arm to escort the student safely from one area to another; or (iii) use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control.
5. Create reporting and notification standards for incidents of physical restraint and seclusion.
 - a. By end of school day, school staff must report incident and first aid to school principal/designee.
 - b. Within one calendar day, school principal/designee, other school personnel, or volunteers organized by school administration for this purpose must make reasonable effort to ensure that direct contact is made with parent, either in person or through telephone conversation, to notify parent of incident and any related first aid.
 - c. If any pupil has been physically restrained or secluded outside regular school day, notifications shall be made as soon as practicable pursuant to school division's school crisis/emergency management plan.

6. Establish specifications for seclusion rooms based on Department of Behavioral Health and Developmental Services Regulations for Children's Residential Facilities 12VAC35-46-960.
7. Provide for continuous visual monitoring of seclusion.
8. Require all school personnel to have initial evidence-based training in physical restraint and seclusion.
9. Require, when physical restraint and seclusion are used in a self-contained classroom or other special education setting:
 - a. Advanced evidence-based training for school personnel assigned to that self-contained classroom.
 - b. Incident reporting to principals, division superintendents, and Superintendent of Public Instruction.
 - c. Copies of incident reports to parents.
10. Establishes follow-up/review following three (3) incidents of physical restraint or seclusion for student in special and general education. IEP/504 team or other school team is to consider need for an FBA and a new or revised BIP that addresses underlying causes or purposes of the behaviors.
11. Requires school divisions to adopt policies/procedures.
12. Cannot be construed to restrict (i) initial authority of teachers to remove students from a classroom; (ii) authority and duties of SROs and SSOs; or (iii) civil immunity afforded teachers employed by local school boards for any acts or omissions resulting from the supervision, care or discipline of students.

Mr. Eisenberg introduced department staff who helped develop the draft regulations, Patricia Haymes, director, Dispute Resolution & Administrative Services, and Kathleen Harris, complaints specialist.

Board discussion:

- Mrs. Atkinson noted the controversial nature of this issue, and thanked Mr. Eisenberg for his team's work. Mrs. Atkinson noted she has some technical questions that she will communicate to staff. She suggested that the distinction between seclusion cell and seclusion room be clearer. Dr. Haymes noted that a seclusion cell is a room that could be locked. Mrs. Atkinson suggested more specific information with regard to the policies and procedures relative to the use of seclusion rooms. Mrs. Atkinson asked if the definition of students with disabilities is broad enough to include students that are under a 504 plan. Mrs. Atkinson asked about the rationale for different notification policies for parents. Mr. Eisenberg noted the difference of actions occurring outside of school, such as a field trip. Mrs. Atkinson noted her concern that the notification of parents may be too much time.
- Mrs. Lodal noted that parents should be notified as soon as possible.
- Dr. Cannaday asked what Department staff suggests as adequate training to define reasonable notification and reporting for teachers to use. Mr. Eisenberg noted the range of options with regard to trainings. Dr. Cannaday asked about the role of higher education. Mr. Eisenberg noted it may need to be built into teacher preparation

- programs. Mr. Eisenberg noted the emphasis on de-escalation techniques, but also the need for more specific skill training.
- Dr. Staples said the Department is examining its role in providing training modules for the re-licensure of teachers.
 - Mrs. Wodiska asked about the rationale for including damaged property. Mr. Eisenberg discussed the feedback from education stakeholder associations. Dr. Haymes also noted that damaged property is permitted as an exception in the corporal punishment statute. Mrs. Wodiska agreed that parents or guardians of all students should be notified right away. Mrs. Wodiska said local school divisions need policies on debriefing, which the Department can provide guidance on best practices. Mrs. Wodiska said schools need more financial support from the General Assembly to have access to training in Positive Behavior Interventions (PBI).
 - Mr. Romero asked about the companies available to provide training on restraint and seclusion. Mr. Eisenberg noted the range of options with regard to trainings.
 - Dr. Cannaday said a positive school climate and culture should be created where students feel they are valued and have strong relationships with adults.
 - Dr. Staples said the recommendation was intended to alert the public that the timetable for further review is contingent on the Board's decision regarding seeking an opinion from the Office of the Attorney General.
 - Dr. Cannaday said it is the will of the Board to have sufficient public hearings before final review, and the Board will rely on staff for locations of the public hearings.

The Board of Education received for first review the Proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (Proposed Stage). In addition, the Board will discuss the issues outlined above with the Office of the Attorney General.

REPORTS

Annual Progress Report on Memoranda of Understanding for Alexandria City Public Schools, Henrico County Public Schools, Newport News City Public Schools, Norfolk City Public Schools, and Northampton County Public Schools as Required for Schools in Accreditation Denied Status

Mrs. Beverly Rabil, director, Office of School Improvement, Division of Student Assessment and School Improvement, presented this item. Mrs. Rabil's presentation included the following:

- Section [8 VAC 20-131-315](#) of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA)* requires certain actions for schools that are denied accreditation:

- C. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:
4. Written notice of the school’s accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;
 5. A copy of the school division’s proposed corrective action plan, including a timeline for implementation, to improve the school’s accreditation rating; and
 6. An opportunity to comment on the division’s proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school’s corrective action plan and a Board of Education memorandum of understanding with the local school board.
- D. Any school rated Accreditation Denied in accordance with [8 VAC 20-131-300](#) shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board. The local school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded.
- The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.
- The memorandum of understanding may also include but not be limited to:
3. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.
 4. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.

- The following schools are in *Accreditation Denied* status for 2015-2016 and are subject to actions prescribed by the Virginia Board of Education (VBOE) and affirmed through an MOU between the VBOE and the local school boards.

Name of Division	Name of Schools in <i>Accreditation Denied</i> Status
Alexandria City Public Schools	Jefferson-Houston Elementary School
Henrico County Public Schools	L. Douglas Wilder Middle School
Newport News City Public Schools	Newsome Park Elementary School
Newport News City Public Schools	Sedgefield Elementary School
Norfolk City Public Schools	Campostella Elementary School
Norfolk City Public Schools	Lake Taylor Middle School
Norfolk City Public Schools	Lindenwood Elementary School
Norfolk City Public Schools	William H. Ruffner Middle School
Northampton County Public Schools	Kiptopeke Elementary School

- It is important to note that seven of the schools in *Accreditation Denied* status made gains in all four content areas. Two of the schools in *Accreditation Denied* status made gains in three of the four content areas.

Technical Assistance

All schools rated *Accreditation Denied* will participate in the Aligning Academic Review and Performance Evaluation (AARPE) technical assistance from the Virginia Department of Education. This technical assistance will focus on developing sample evidence for the sample performance indicators in Teacher Performance Standard 4: Assessment of and for Learning. The sample evidence for each performance indicator will become a tool that can enhance the division’s observation tools. Principals/division staff will use their own work as a starting point and will bring “real work” artifacts to each session throughout the year. Principals, appropriate division staff, and state contractors will conduct inter-rater reliability monthly walkthroughs and/or formal observations two times between October and December. (Inter-rater reliability deals with consistency between the evidence-collection of two or

more observers.) Division staff will support and monitor principals' delivery of professional development on the sets of sample evidence developed to appropriate school staff. Outcomes/next steps will be identified at each session. Contractors will be assigned to each school as a part of the AARPE technical assistance.

Using research-based indicators that lead to increased student achievement is imperative for school improvement. School divisions that have a school-level MOU will provide quarterly data reports to the Office of School Improvement (OSI) on mutually determined school-level data points. Divisions will meet with the Office of School Improvement three times per year to review quarterly report data and collaboratively determine next steps.

The Board of Education received the annual progress report for Jefferson Houston Elementary School, Alexandria City Public Schools; L. Douglas Wilder Middle School, Henrico County Public Schools; Newsome Park Elementary School and Sedgfield Elementary School, Newport News City Public Schools; Campostella Elementary School, Lindenwood Elementary School, Lake Taylor Middle School, and William H. Ruffner Middle School, Norfolk City Public Schools; and Kiptopeke Elementary School, Northampton County Public Schools as required for schools in *Accreditation Denied* Status.

Annual Progress Report on Memoranda of Understanding for Franklin City Public Schools and Sussex County Public Schools as Required for Divisions under Division Level Review

Mrs. Beverly Rabil also presented this item. Mrs. Rabil's presentation included the following:

Section 8 VAC 20-131-315 of the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) requires certain actions for schools that are denied accreditation:

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| <p>A. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and shall provide parents of enrolled students and other interested parties with the following:</p> <ol style="list-style-type: none">1. Written notice of the school's accreditation rating within 30 calendar days of the notification of the rating from the Department of Education;2. A copy of the school division's proposed corrective action plan, including a timeline for implementation, to improve the school's accreditation rating; and3. An opportunity to comment on the division's proposed corrective action plan. Such public comment shall be received and considered by the school division prior to finalizing the school's corrective action plan and a Board of Education memorandum of understanding with the local school board. <p>B. Any school rated Accreditation Denied in accordance with 8 VAC 20-131-300 shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board. The local school board shall submit a corrective action plan to the Board of Education for its consideration in prescribing actions in the memorandum of understanding within 45 days of the notification of the rating. The memorandum of understanding shall be entered into no later than November 1 of the academic year in which the rating is awarded. The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.</p> <p>The memorandum of understanding may also include but not be limited to:</p> <ol style="list-style-type: none">5. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.6. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success. |
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Franklin City Public Schools:

On October 24, 2013, the VBOE placed Franklin City Public Schools in division-level academic review status and authorized the Department of Education to begin the review process. The division-level review process was

conducted December 1-5, 2013.

On March 27, 2014, the Virginia Board of Education (VBOE) approved a Memorandum of Understanding (MOU) between the Franklin City School Board and the VBOE. The MOU, subject to annual review and revisions by the Board of Education, will remain in effect until all Franklin City Public Schools are *Fully Accredited*.

On April 24, 2014, the VBOE announced that it would conduct a public hearing in Franklin City Public Schools to obtain input from constituents in Franklin City on the proposed corrective action plan. The public hearing was held on May 14, 2014, at Joseph P. King Middle School, and a report on this public hearing was submitted to the VBOE on May 22, 2014.

The corrective action plan, submitted at the June 26, 2014, Virginia Board of Education meeting included all essential actions noted in the MOU and indicated whether the essential action requires immediate priority or systemic action over a longer period of time, as well as essential actions offered by the department and the VBOE at the April 24, 2014, and May 22, 2014, meetings.

While the Board noted that it was imperative that the corrective action plan be approved with all due speed, it was also apparent from their comments at the public hearing that the citizens of Franklin City Public Schools wanted more input into the development of the plan. The June 2014 approved corrective action plan was in effect from June 26, 2014 to November 30, 2014. During that time, the new superintendent and the Franklin City School Board were to form a committee to amend the corrective action plan to include additional essential actions that addressed the comments from the public hearing held on May 14, 2014, by the VBOE. The committee was to meet to finalize the corrective action plan and present a final corrective action plan for approval by the Franklin City School Board by October 17, 2014. The amended corrective action plan, developed based on input from the community committee, was submitted to the VBOE on November 7, 2014.

At the November 20, 2014, VBOE meeting, the board provided direction to the Franklin superintendent requesting that the current plan be further amended to identify incremental steps needed to reach established goals, strategies used to meet the incremental steps, and metrics for determining progress toward the goals.

At the January 21, 2015, VBOE Committee on School and Division Accountability, a report on Franklin's progress in responding to the direction provided by the VBOE at the November 2014 meeting was presented. Following the January 2015 meeting, the VBOE provided additional direction on the steps Franklin City should take in amending the corrective action plan. After completing the additional steps, targeted essential actions for the corrective action plan were approved by the VBOE on March 26, 2015.

Sussex County Public Schools:

Sussex County Public Schools was identified for division-level review status in 2004 and entered into an initial MOU with the VBOE. On September 17, 2009, Sussex County Public Schools appeared before the VBOE to enter into a second MOU for Sussex County Public Schools. This MOU was in effect until all schools were *Fully Accredited* or the VBOE released Sussex County Public Schools from the MOU.

In 2013-2014, Sussex County Public Schools consolidated its elementary and middle schools and closed three schools. Sussex County Public Schools now has three schools on one campus: Sussex Central Elementary School, grades K-5; Sussex Central Middle School, grades 6-8; and Sussex Central High School, grades 9-12. Because of the change in school configuration, an updated corrective action plan and MOU were required.

Technical Assistance

Franklin City Public Schools and Sussex County Public Schools will participate in the Aligning Academic Review and Performance Evaluation (AARPE) technical assistance from the Virginia Department of Education. This technical assistance will focus on developing sample evidence for the sample performance indicators in Teacher Performance Standard 4: Assessment of and for Learning. The sample evidence for each performance indicator will become a tool that can enhance the division's observation tools. Principals/division staff will use their own work as a starting point and will bring "real work" artifacts to each session throughout the year. Principals, appropriate

division staff, and state contractors will conduct inter-rater reliability monthly walkthroughs and/or formal observations two times between October and December. (Inter-rater reliability deals with consistency between the evidence-collection of two or more observers.) Division staff will support and monitor principals' delivery of professional development on the sets of sample evidence developed to appropriate school staff. Outcomes/next steps will be identified at each session. Contractors will be assigned to each school as a part of the AARPE technical assistance.

Using research-based indicators that lead to increased student achievement is imperative for school improvement. School divisions with a division MOU will provide quarterly data reports to the Office of School Improvement (OSI) on mutually determined school-level data points. Divisions will meet with the Office of School Improvement three times per year to review quarterly report data and collaboratively determine next steps.

Asset mapping will be a part of each school's technical assistance. The OSI staff will provide technical assistance in using the asset mapping tool and in determining next steps.

Board discussion:

- Mrs. Wodiska suggested Board members visit school divisions that have made progress. Mrs. Lodal agreed. Mrs. Lodal also suggested that progressing school divisions share their lessons learned with other schools.
- Mrs. Atkinson noted that the Office of School Improvement and the Board worked in partnerships with local school divisions to create an improvement plan to achieve progress.
- Dr. Cannaday asked for a summary of themes that were significant towards progress. A report is anticipated at the March Board meeting.
- Dr. Cannaday asked staff to give the Board a timeline for school visits.

The Board of Education received the annual progress report for Franklin City Public Schools and Sussex County Public Schools as required for divisions under a division-level Memorandum of Understanding.

DISCUSSION OF CURRENT ISSUES

Planning the Work Ahead

Mrs. Wodiska summarized the Standards of Quality committee meeting held February 24, 2016. The committee discussed *Standard One: Instructional Programs Supporting the Standards of Learning and other Educational Objectives* and *Standard Four: Student Achievement and Graduation Requirements* of the Standards of Quality. Mrs. Wodiska said Board members should contact staff if they have additional questions from the discussion.

The Board discussed possible dates and locations for a Board Retreat in the spring.

NASBE Deeper Learning State Stipend

Mrs. Atkinson said the NASBE Deeper Learning State Stipend is a two-year stipend and she described Virginia's application. If approved, Mrs. Atkinson said the funding will be used for research related to high school redesign/Profile of a Graduate.

Mrs. Wodiska made a motion for the Board to approve the NASBE Deeper Learning State Stipend application. The motion was seconded by Mrs. Atkinson and carried unanimously.

DINNER MEETING

The Board met for a public dinner on Wednesday, February 24, 2016, at 5:45 p.m., at the Berkley Hotel with the following members present: Mrs. Atkinson, Dr. Baysal, Mr. Dillard, Mrs. Lodal, Mr. Romero, and Mrs. Wodiska. The following department staff also attended: Dr. Steven Staples, superintendent of public instruction, and Melissa Luchau, director of board relations. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 8:15 p.m.

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education, Dr. Cannaday adjourned the meeting at 12:40 p.m.



President