

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

March 17, 2016

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

Dr. Billy K. Cannaday, Jr., President	Mr. James H. Dillard
Mrs. Joan E. Wodiska, Vice President	Mr. Daniel A. Gecker
Mrs. Diane T. Atkinson	Mr. Sal Romero, Jr.
Dr. Oktay Baysal	
	Dr. Steven R. Staples, Superintendent of Public Instruction

Dr. Cannaday called the meeting to order at 9 a.m.

***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 February 25, 2016, meeting of Board. The motion was seconded by Dr. Baysal and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

***RESOLUTIONS/RECOGNITION***

- A Resolution of Recognition was presented to commemorate April 2016 as the Month of the Military Child. The resolution was presented to Symone Morton, 5<sup>th</sup> grader at South Elementary School in Prince George County.
- Resolutions of Recognition were presented to Virginia's 2016 Regional Teachers of the Year and Virginia Teacher of the Year. They are as follows:
  - Region 1 – Christopher Armand Averill, Cosby High School, Chesterfield County Public Schools
  - Region 2 – Lauren Elizabeth Osborn, Poquoson High School, Poquoson City Public Schools
  - Region 3 – Stacy Helean Rice-Lee, Northumberland Middle School, Northumberland County Public Schools
  - Region 4 – Kimberly A. Scott, Franklin Middle School, Fairfax County Public Schools

- Region 5 – Kenneth Spence White, Jr., Jefferson Forest High School, Bedford County Public Schools
- Region 6 and 2016 Teacher of the Year – Natalie Anne DiFusco-Funk, West Salem Elementary School, Salem City Public Schools
- Region 7 – Ruthanne Cole, Bland County High School, Bland County Public Schools
- Region 8 – Edward William McCann, Jr., Appomattox County High School, Appomattox County Public Schools

### ***PUBLIC COMMENT***

The following persons spoke during public comment:

- Dr. Joleen Neighbours, spoke on music and the arts
- Carolyn Murphy, spoke on computer adaptive testing
- Kandise Lucas, spoke on working with parent advocates
- Zahra Lakhani, spoke on family engagement and special education
- Marty Jewell, spoke on enforcement of special education laws
- Michelle Williams, spoke on special education
- Lorraine Wright, spoke on special education

### ***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. Pulaski County's Riverlawn Elementary School project, with a priority ranking of number one on the First Priority Waiting List as of February 25, 2016, was placed on the First Priority Waiting List in July 2007. This project is eligible to receive a \$7.50 million Literary Fund loan for the new school construction project which was completed in March 2009. The Riverlawn Elementary School serves pre-kindergarten through grade 5 students.

This project is currently financed by a local bond issued by the Industrial Development Authority of Pulaski County. Proceeds from the Literary Fund loan will be used by Pulaski County to refinance this bond 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.

## ***ACTION/DISCUSSION ITEMS***

### ***First Review of Memoranda of Understanding as Required of Schools in Accreditation Denied Status for Dinwiddie County Public Schools, Norfolk City Public Schools, and Richmond City Public Schools***

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:

- 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:
  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; and
  3. 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.
- 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.

The memorandum of understanding may also include but not be limited to:

1. 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.
2. 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.

- As provided for in 8 VAC 20-131-300.C.5, 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, Dinwiddie Middle School, Dinwiddie County Public Schools, P. B. Young, Sr. Elementary School (PK-2) and Tidewater Park Elementary School (3-5), Norfolk City Public Schools and Armstrong High School, Richmond City Public Schools were 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, these schools 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 board.
- A corrective action plan for the school must be submitted to the Board of Education by April 30, 2016. Listed below is a general description of technical assistance to be included in the corrective action plan.

#### Technical Assistance

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.

As noted in the individual Memorandum of Understanding, additional specific technical assistance will be provided by Virginia Department of Education staff to each school rated *Accreditation Denied*.

Dr. Baysal made a motion to waive First Review of Memoranda of Understanding as Required of Schools in *Accreditation Denied* Status for Dinwiddie County Public Schools, Norfolk City Public Schools, and Richmond City Public Schools and approve the recommendations as stated below. The motion was seconded by Mrs. Atkinson and carried unanimously.

1. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with the Dinwiddie County School Board for Dinwiddie Middle School.
2. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with the Norfolk City School Board for P. B. Young, Sr. Elementary School (PK-2) and Tidewater Park Elementary School (3-5).
3. The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memoranda of Understanding with the Richmond City School Board for Armstrong High School.

**First Review of Revised Memoranda of Understanding for Petersburg City Public Schools as Required for Divisions under Division Level Review**

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

- The Standards of Quality (SOQ) require local school boards to maintain *Fully Accredited* schools and to take corrective actions for schools that are not *Fully Accredited*.

§ [22.1-253.13:3](#). Standard 3. Accreditation, other standards and evaluation.

*... Each local school board shall maintain schools that are fully accredited pursuant to the standards of accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.*

*When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to Section [22.1-253.13:6](#).*

- Additionally, Section 8 VAC 20-131-300 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) requires school divisions with Accreditation Denied schools to enter into a Memorandum of Understanding (MOU) with the Virginia Board of Education and implement a corrective action plan to improve student achievement in the identified schools.

*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 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.*

- In April 2004, Petersburg City Public Schools and the Virginia Board of Education (VBOE) signed an initial division level MOU. Based on the 2005-2006 assessment results, Petersburg City Public Schools entered into a second MOU on November 20, 2006. On November 17, 2009, the Virginia Board of Education revised the MOU for Petersburg City Public Schools. This MOU was to have remained in effect until all schools were *Fully Accredited*. As required by the MOU, Petersburg City Public Schools developed a corrective action plan beginning in the 2009-2010 school year. An updated corrective action plan was approved by the VBOE on October 24, 2013.
- In fall 2015, the superintendent of Petersburg City Schools resigned and the Petersburg School Board appointed Dr. Linda Shifflette as the interim superintendent. Dr. Shifflette began work in Petersburg in early November 2015. In December 2015, teams from the Offices of School Improvement, Special Education Program Improvement, and Student Services conducted an on-site review in Petersburg City Public Schools. One of the purposes of this review was to identify areas of need within Petersburg City schools so that corrective actions could be determined. Once all reports are finalized, the Petersburg Corrective Action Plan required under the MOU will be revised to reflect needs identified in the on-site review.

- In January 2016 the Petersburg City School Board announced its search for a new superintendent with the goal that a new superintendent would be named prior to the start of the 2016-2017 school year. In preparation for the appointment of a new superintendent, a revised MOU has been developed.

Board discussion:

- Dr. Staples said this MOU is unique and specific to Petersburg City Public Schools because it is aligned around specific circumstances. Dr. Staples noted that the MOU clarifies the roles of the local school board, central office staff, state Board, and Department of Education staff.
- Dr. Cannaday reiterated Dr. Staples' comments and noted a new governance element in the MOU.
- Mr. Gecker asked about the Board's authority to intercede more directly due to the history of Petersburg schools not meeting accountability standards. Mr. Gecker said he is concerned because a generation of students has been lost. Mr. Gecker noted that most of the MOU requires Petersburg to do what they are already required to do under the *Code of Virginia*.
- Dr. Staples said others are also frustrated that the state Board cannot be more direct in their response. Dr. Staples noted the General Assembly passed a bill that is before the Governor which will give the Board more options for responding if a school division fails to comply in a way that the Board believes is appropriate. Dr. Staples said the bill will allow the Board to withhold some categorical at-risk funding.
- Mr. Gecker asked if the Board deals with the political leadership in Petersburg. Dr. Staples said the mayor, city council, and city administrator were all part of the community-based group.
- Dr. Cannaday said if there are not any improvements made with the new MOU steps will be taken to look at other options.

The Board of Education received for first review the revised division-level Memorandum of Understanding for Petersburg City Public Schools.

**First Review of the Proposed 2016 Mathematics Standards of Learning and Proposed 2016 Mathematics Standards of Learning Curriculum Framework**

Mr. Michael Bolling, director, Office of Mathematics and Governor's Schools, presented this item. Mr. Bolling's presentation included the following:

- New academic content Standards of Learning for mathematics were first developed in 1995. Pursuant to legislation from the 2000 Virginia General Assembly, the Board of Education established a seven-year cycle for review of the Standards of Learning. As a result, the 1995 *Mathematics Standards of Learning* were reviewed in 2001 and 2009. The projected timeline for the review and revision of the 2009 *Mathematics Standards of Learning* and *Curriculum Framework* during the 2015-2016 school year was received by the Board of Education in March 2015.
- In accordance with the timeline, the Virginia Department of Education (VDOE) produced a draft of the Proposed 2016 *Mathematics Standards of Learning* and Proposed 2016 *Mathematics Standards of Learning Curriculum Framework* documents. The following list summarizes the actions involved in the review and revision process.

- Received public comments from stakeholders on the review and revision of the 2009 *Mathematics Standards of Learning and Curriculum Framework*
    - Received 74 sets of comments, including 71 from educators, mathematics education organizations, and school divisions, two from parents, and one from a university
    - Received comments March 27-April 27, 2015
  - Convened a steering committee to review public comments and make recommendations for revisions to the standards
    - Comprised of nine school division mathematics supervisors that led grade-band and content subgroups of the review committee
    - VDOE staff from Instruction and Assessment served in an advisory capacity
    - Met June 1-3, 2015
  - Convened a review committee to review public comments and make recommendations for revisions to the standards and Curriculum Framework
    - Comprised of the steering committee and 30 educators, including 19 classroom teachers, two school-based mathematics specialists, eight school division mathematics supervisors, and one assistant principal
    - Members represented all eight Superintendents' Regions
    - VDOE staff from Instruction and Assessment served in an advisory capacity
    - Met June 22-26, 2015
  - Developed a draft of the proposed standards and Curriculum Framework
  - Received input, both electronically and in person, from external reviewers on the proposed draft of the standards and Curriculum Framework
    - Invited two-year and four-year colleges, the Virginia Mathematics and Science Coalition, the Virginia Council for Mathematics Supervision, the Virginia Council of Teachers of Mathematics, the Virginia Council for Mathematics Specialists, and the top ten employers in Virginia to participate in the external review process
    - Received 30 sets of comments representing two-year and four-year colleges, the Virginia Mathematics and Science Coalition, the Virginia Council for Mathematics Supervision, the Virginia Council of Teachers of Mathematics, the Virginia Council for Mathematics Specialists, Wells Fargo Bank, and Optima/Sentara Healthcare
    - Convened an external review meeting for discussion of comments
    - Met December 9, 2015
  - Received support for the review process from the Assessment Development staff, including providing Instruction staff with insights from work with development of state assessments, working with content review committees, and providing technical reviews of proposed revisions.
- The *Mathematics Standards of Learning* identify academic content for essential components of the mathematics curriculum at different grade levels for Virginia's public schools. The *Mathematics Standards of Learning Curriculum Framework*, a companion document to the *Mathematics Standards of Learning*, amplifies the standards and further defines the content knowledge, skills, and understandings that are measured by the Standards of Learning assessments. The standards and Curriculum Framework are not intended to encompass the entire curriculum for a given grade level or course. School divisions are encouraged to incorporate the standards and Curriculum Framework into a broader, locally-designed curriculum. The Curriculum Framework delineates in greater specificity the minimum content that all teachers should teach and all students should learn.
  - In support of Governor McAuliffe's focus on strengthening the 21<sup>st</sup> century work force, the proposed revisions to the standards and Curriculum Framework strengthen support for teachers and educational leaders through improvements to the standards and Curriculum Framework, strengthen pathways within K-12 mathematics education through a focus on improving the vertical progression of mathematics content, and will better prepare students for college and careers through a greater emphasis on critical thinking and problem solving.
  - The drafts of the proposed *Mathematics Standards of Learning* and the *Mathematics Standards of Learning*

*Curriculum Framework* include the following components, as listed.

Proposed 2016 *Mathematics Standards of Learning*

- Introductory statements
  - Mathematical Process Goals for Students
  - The Role of Instructional Technology (new)
  - Computational Fluency (new)
  - Algebra Readiness (new)
  - Equity (new)
- Grade Level/Course Introduction
- Content Strands and Standards of Learning

Proposed 2016 *Mathematics Standards of Learning Curriculum Framework*

- Introductory statements
- Content strand overviews (K-8)
- Standards of Learning for the grade level or course
- Understanding the Standard – information that supports mathematics content knowledge
- Essential Knowledge and Skills – information that provides expectations for student learning

During the steering committee and review committee meetings, members were asked to:

- review national resources in mathematics education including
  - National Assessment for Educational Progress (NAEP) Framework;
  - Guidelines for Assessment and Instruction in Statistics Education (GAISE);
  - National Council of Teachers of Mathematics (NCTM) *Curriculum Focal Points* and *Focus in High School Mathematics: Reasoning and Sense Making*;
  - expectations for achievement tests including the SAT and ACT; and
  - other states' standards;
- review comments received through the official public comment period;
- review VDOE instructional resources and technical assistance documents; and
- recommend revisions that
  - improve the vertical progression of mathematics content;
  - ensure developmental appropriateness of student expectations;
  - increase support for teachers in mathematics content;
  - clarify expectations for teaching and learning;
  - improve precision and consistency in mathematical language and format; and
  - ensure proficiency of elementary students in computational skills.

*Improving Vertical Progression and Developmental Appropriateness*

Focusing on improving the vertical progression of the mathematics content, the committees recommended consolidation of many standards, leading to an overall reduction in the number of K-12 standards from 285 to 263 (22 fewer standards). These recommendations reflect a focus on consolidation of related concepts and skills, reduction of repetition, and an improvement of the developmental progression of content.

*Supporting Teachers with Additional Mathematics Content*

Recognizing the importance of providing mathematical content support to teachers at all levels, the committees recommended significant additions to the Understanding the Standard column. The statements found in this column may provide definitions, explanations, examples, and information regarding connections within and across grade level(s)/course(s). In addition, each bullet of the Essential Knowledge and Skills column was aligned with specific Standards of Learning bullets.

*Providing Consistency in Format and Structure*

The proposed revisions to the Curriculum Framework include a format change that provides consistency among content areas and among grade levels, especially helpful for elementary teachers. This format change consolidated information from the Essential Understandings column into either the Understanding the Standard column or the Essential Knowledge and Skills column. In addition, and in direct response to public comment, standards that have

multiple bullets were aligned to individual bullets found in the Essential Knowledge and Skills column.

*Ensuring Student Proficiency in Computational Skills*

[HB1350](#) from the 2013 Virginia General Assembly required that "...the Board of Education shall give consideration to ensuring students in elementary grades demonstrate proficiency in computational skills without a calculator." In working with the steering and review committees, particular focus was placed on the charge from HB1350. Currently, all objectives measured on the Grade 3 Mathematics state assessment are assessed without the use of a calculator. On the state assessments for grades 4-7, specific number sense and computational skills are assessed without a calculator. The committees recommended the continuation of the respective assessment practices with the implementation of the 2016 *Mathematics Standards of Learning*. However, the grades 4-7 committees identified additional number sense and computational skills to be assessed without the use of a calculator on state assessments. The committees, through the proposed revisions, recommended that designations of objectives to be assessed without the use of a calculator on state assessments be added to the Curriculum Framework in addition to the Standards of Learning testing blueprints.

*Removing Standards for the Algebra II/Trigonometry Course*

The Board of Education approves standards that are incorporated into locally-developed courses. The deletion of the set of standards titled "Algebra II/Trigonometry" does not prevent a school division from developing a course that includes the standards from Algebra II and Trigonometry.

Following the Board of Education's acceptance of the Proposed 2016 *Mathematics Standards of Learning* and the Proposed 2016 *Mathematics Standards of Learning Curriculum Framework* for first review, the Department of Education will receive public comment for at least 30 days before bringing the Proposed Revised 2016 *Mathematics Standards of Learning* and Proposed Revised 2016 *Mathematics Standards of Learning Curriculum Framework* to the Board of Education for final review in September 2016. During the public comment period, the Board of Education will host two public hearings on the Proposed 2016 *Mathematics Standards of Learning* and the Proposed 2016 *Mathematics Standards of Learning Curriculum Framework* at the following times/locations:

- April 14, 2016 – 6:30 p.m.  
Auburn High School, Montgomery County Public Schools  
1650 Auburn School Drive  
Riner, Virginia 24149
- April 19, 2016 – 6:30 p.m.  
Glen Allen High School, Henrico County Public Schools  
10700 Staples Mill Road  
Glen Allen, Virginia 23060

It is anticipated that the review and revision process will be completed in 2016 and the document will be posted for school divisions via the VDOE Web site.

*2016 Mathematics Standards of Learning Anticipated Implementation Timeline and Communication Plan*

School Year	Date	Action	Communication	Method
2016-2017	September	Board of Education approves the 2016 <i>Mathematics Standards of Learning</i> (SOL) and 2016 <i>Mathematics Standards of Learning Curriculum Framework</i> (CF)	Announce approval of the SOL and CF, implementation timeline, and expectations for incorporating the new standards into local curricula	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	December	Final versions of the 2016 <i>Mathematics SOL</i> , 2016 <i>Mathematics CF</i> , and summary of changes posted	Announce posting of final versions and expectations for incorporating the new standards into local curricula	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	Spring/ Summer	VDOE provides professional development on the changes to the SOL and CF	Announce professional development	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	August	School divisions have incorporated 2016 <i>Mathematics SOL</i> and <i>CF</i> into local curricula		

2017-2018	Full year	2009 <i>Mathematics SOL</i> and 2016 <i>Mathematics SOL</i> included in the written and taught curricula	Detail instruction and assessment timeline and expectations	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	Fall/Winter	VDOE provides SOL Practice Items aligned with the 2016 <i>Mathematics SOL</i>	Announce posting of resource	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	Spring/Summer	VDOE provides professional development on the changes to the SOL and CF	Announce professional development	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	Spring	SOL assessments measure the 2009 <i>Mathematics SOL</i> and include field test items measuring the 2016 <i>Mathematics SOL</i>		
2018-2019	Full year	Written and taught curricula reflect the 2016 <i>Mathematics SOL</i>	Detail instruction and assessment timeline and expectations	Superintendent's Memo, VDOE social media, Teacher Direct, and other communication channels
	Fall and Spring	SOL assessments measure the 2016 <i>Mathematics SOL</i>		

Board discussion:

- Dr. Baysal congratulated staff for their work on the Mathematics SOL. Dr. Baysal acknowledged that mathematics education needs to be improved in this country. Dr. Baysal noted that mathematics is a weakness for many high school graduates as they enter college. Dr. Baysal said the application of teaching mathematics needs to be improved and suggested having more applied mathematicians on the review committee such as engineers, statisticians, and accountants. Dr. Baysal said teaching mathematics alone has limitations that could be improved by teaching mathematics in an integrated environment such as with reading and the arts.
- Mr. Gecker asked about the impact of the changes in the classroom. Mr. Bolling indicated he would follow up with Mr. Gecker.
- Dr. Cannaday indicated the importance of a narrative that profiles what students are expected to know, understand and apply in all grade levels.
- Mrs. Wodiska said she is interested in implementation of the next set of standards and what will be done to support teachers with professional development.
- Mrs. Atkinson discussed the importance of developing curriculum that is consistent with the new standards because this is often a weakness for schools not meeting accountability standards.
- Dr. Staples said he thinks this set of revisions is not as comprehensive as those in 2009. Dr. Staples said there will be clear communication with local school divisions about the changes, and consistent support will be provided.

The Board of Education received the Proposed 2016 *Mathematics Standards of Learning* and the Proposed 2016 *Mathematics Standards of Learning Curriculum Framework* for first review.

**First Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Accredit the Teacher Education Program at Lynchburg College through a Process Approved by the Board of Education**

Mrs. Patty Pitts, assistant superintendent, Division of Teacher Education and Licensure, presented this item. Mrs. Pitts introduced Dr. Roger Jones, dean, School of Education, Leadership

Studies and Counseling, Lynchburg College. Mrs. Pitts' presentation included the following:

**Regulations Governing the Review and Approval of Education Programs in Virginia**

- The *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-542-10 et seq.) set forth the options for the accreditation of “professional education programs” at Virginia institutions of higher education. The regulations define the “professional education program” as the Virginia institution, college, school, department, or other administrative body within a Virginia institution of higher education, or another Virginia entity for a defined educator preparation program that is primarily responsible for the preparation of teachers and other professional school personnel. The regulations, in part, stipulate the following:

**8VAC20-542-20. Administering the regulations.**

- A. Professional education programs in Virginia shall obtain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education....
- E. If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs shall not admit new candidates. Candidates shall be notified of program approval status....

**8VAC20-542-30. Options for accreditation or a process approved by the Board of Education.**

- A. Each professional education program in Virginia shall obtain and maintain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.
- B. Each Virginia professional education program seeking accreditation through a process approved by the Board of Education shall be reviewed. A report of the review shall be submitted to the Board of Education in accordance with established timelines and procedures and shall include one of the following recommendations:
  - 1. Accredited. The professional education program meets standards outlined in 8VAC20-542-60.
  - 2. Accredited with stipulations. The professional education program has met the standards minimally, but significant weaknesses have been identified. Within a two-year period, the professional education program shall fully meet standards as set forth in 8VAC20-542-60.
  - 3. Accreditation denied. The professional education program has not met standards as set forth in 8VAC20-542-60. The State Council of Higher Education for Virginia (SCHEV) shall be notified of this action by the Department of Education.
- C. Professional education program accreditation that has been denied may be considered by the Board of Education after two years if a written request for review is submitted to the Department of Education.
- D. Professional education programs in Virginia seeking accreditation through NCATE, TEAC, or an accreditation process approved by the Board of Education shall adhere to the following requirements:
  - 1. Accredited professional education programs shall be aligned with standards in 8VAC20-542-60; and
  - 2. Accredited professional education programs shall be aligned with competencies in 8VAC20-542-70 through 8VAC20-542-600.

E. Professional education programs in Virginia seeking accreditation through a process approved by the Board of Education shall follow procedures and timelines as prescribed by the Department of Education....

- Section 20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia* provides the standards and indicators for the Board of Education approved accreditation process. The four standards are as follows:

Standard 1: Program Design. The professional education program shall develop and maintain high quality programs that are collaboratively designed and based on identified needs of the preK-12 community.

Standard 2: Candidate Performance on Competencies for Endorsement Areas. Candidates in education programs shall demonstrate the knowledge, skills, and dispositions to meet professional, state, and institutional standards to ensure student success.

Standard 3: Faculty in Professional Education Programs. Faculty in the professional education program represent well-qualified education scholars who are actively engaged in teaching and learning.

Standard 4: Governance and Capacity. The professional education program demonstrates the governance and capacity to prepare candidates to meet professional, state, and institutional standards.

- Section 207 of Title II of the Higher Education Act (HEA) reporting requirements mandates that the U.S. Secretary of Education collect data on standards for teacher certification and licensure, as well as data on the performance of teacher preparation programs. The law requires the Secretary to use these data in submitting its annual report on the quality of teacher preparation to Congress. In addition, states were required to develop criteria, procedures, and processes from which institutions “at-risk of becoming low-performing” and “low-performing institutions” could be identified. A copy of the Board of Education’s *Definitions for At-Risk of Becoming Low-Performing and Low-Performing Institutions of Higher Education in Virginia as Required by Title II of the Higher Education Act (HEA), revised May 19, 2011.*
- The professional education program is the Virginia institution, college, school, department, or other administrative body within a Virginia institution of higher education or another Virginia entity for a defined educator preparation program that is primarily responsible for the preparation of teachers and other professional school personnel. The professional education program has a designated dean, director, or chair with authority and responsibility for overall administration and operation and is responsible for the alignment between the endorsement program competencies and the licensure regulations.
- The *Implementation Manual for the Regulations Governing Review and Approval of Education Programs in Virginia* (8VAC 20-542-10 et seq.) addresses the standards that govern the review and accreditation of the professional education program; standards for biennial review and approval of education programs; indicators of achievement of each standard; and procedures for overall implementation of the regulations. Professional education programs in Virginia seeking accreditation through a process approved by the Board of Education must follow procedures and timelines as prescribed by the Department of Education.
- Each Virginia professional education program seeking accreditation through a process approved by the Board of Education will be reviewed on a seven-year review cycle. Documents, such as the Institutional Report, annual data reports, On-site Team’s Report of Findings, and Institutional Response (if needed), are part of the review process.
- Lynchburg College currently offers the following Board of Education approved program endorsement areas at the undergraduate and graduate levels:

Approved Program Endorsement Areas	Undergraduate	Graduate
Elementary Education PreK-6	X	

Approved Program Endorsement Areas	Undergraduate	Graduate
English	X	
Foreign Languages: French PreK-12	X	
Foreign Languages: Spanish PreK-12	X	
Health and Physical Education PreK-12	X	
History and Social Sciences	X	
Mathematics	X	
Mathematics – Algebra I (Add-on endorsement)	X	
Music Education: Instrumental PreK-12	X	
Music Education: Vocal/Choral PreK-12	X	
Science: Biology	X	
Science: Chemistry	X	
Science: Earth Science	X	
Science: Physics	X	
Theatre Arts PreK-12	X	
Visual Arts PreK-12	X	
Administration and Supervision PreK-12		X
Reading Specialist		X
School Counselor PreK-12		X
Special Education: Adapted Curriculum K-12		X
Special Education: Early Childhood Special Education (Birth through Age 5)		X
Special Education: General Curriculum K-12	X	X

- Lynchburg College requested accreditation through the Board of Education approved process. The original on-site visit to review the program was conducted on October 26-30, 2013. The overall recommendation of the on-site review team in 2013 was that the professional education program be “accredited with stipulations.” The team made this recommendation based on the information in the 2013 *Institutional Report* and the evidence available during the October 26-30, 2013, on-site visit. The full 2013 Institutional Report and supporting documents leading to the follow-up visit can be found in the June 26, 2014, Board of Education agenda ([http://www.doe.virginia.gov/boe/meetings/2014/06\\_jun/agenda\\_items/item\\_d.pdf](http://www.doe.virginia.gov/boe/meetings/2014/06_jun/agenda_items/item_d.pdf)).
- The 2013 review team’s recommendations for each of the four standards were as follows:

Standards	Review Team Recommendations
<b>Standard 1:</b> Program Design	Met Minimally with Significant Weaknesses
<b>Standard 2:</b> Candidate Performance on Competencies for Endorsement Areas	Met
<b>Standard 3:</b> Faculty in Professional Education Programs	Met
<b>Standard 4:</b> Governance and Capacity	Met Minimally with Significant Weaknesses

- The weaknesses identified by the 2013 review team were as follows:

**A. Standard 1: Program Design.** *The professional education program shall develop and maintain high quality programs that are collaboratively designed and based on identified needs of the PreK-12 community....*

- Weakness 1: Alignment of the philosophy, mission statement and goals are not clearly articulated and do not reflect the current faculty. Goals have not been aligned with conceptual framework.
- Weakness 2: Goals and an assessment system for the Educational Leadership and School Counseling programs were not evident. No evidence of collaboration between personnel in the School of Education and Human Development and the School of Graduate Studies to establish and ensure consistency among goals and an assessment system.
- Weakness 3: There is no evidence that all education endorsement programs have established a valid and reliable assessment program that aligns with the School of Education and Human Development.
- Weakness 4: Other than at the candidate program completion, no evidence was provided to the on-site review team that evaluation instruments reflecting program goals are used to collect data at various points in the program.
- Weakness 5: There is no evidence that a systematic and ongoing process of gathering, reporting and analyzing program data has been established to report program strength, areas needing improvement, a plan for implementation of identified improvements, and an assessment of outcomes.

***B. Standard 2: Candidate Performance on Competencies for Endorsement Areas.*** *Candidates in education programs shall demonstrate the knowledge, skills, and dispositions to meet professional, state, and institutional standards to ensure student success. Candidates shall demonstrate the competencies specified in 8VAC 20-542-70 through 8VAC 20-542-600....*

- Weakness 1: Candidate competency is demonstrated through the inclusion of a list of courses and projects that candidates complete. No summary data were provided to indicate candidate strengths and weaknesses.
- Weakness 2: Candidates' assessment scores provided by cooperating teachers and supervisors along with the WEAVE online® documents indicate that data are collected. However, with the exception of the program in administration and supervision, it was not clear that these assessments are used to inform faculty of the progress either of the candidates or to identify trends in the program.
- Weakness 3: Although technology support was available through Lynchburg College, during interviews with the on-site team candidates reported they were not prepared to integrate technology into instruction.

***C. Standard 3: Faculty in Professional Education Programs.*** *Faculty in the professional education program represents well-qualified education scholars who are actively engaged in teaching and learning....*

- Weakness 1: An intentional review, analysis, and the reporting of a faculty member's work performance by the supervisor, in addition to faculty self-reflection, are needed to strengthen the dean's ability to track whether or not the evaluation assessment is making a positive impact on course instruction.
- Weakness 2: The on-site review team found no evidence of specific plans to retain qualified and diverse faculty.
- Weakness 3: No evidence of a systematic method for assigning advisees to ensure equitable and effective placements was provided.

Weakness 4: Funding for off-campus professional development and scholarly activities is limited to the extent that faculty members are unlikely to be able to participate at a national level.

**D. Standard 4: Governance and Capacity.** *The professional education program demonstrates the governance and capacity to prepare candidates to meet professional, state, and institutional standards.*

Weakness 1: The professional education program is not clearly defined. The Dean of the School of Education has no authority for the budget and allocation of resources or input regarding the preparation of candidates in the graduate programs leading to endorsements in Administration and Supervision PreK-12 and School Counselor PreK-12. Insufficient information was provided to the on-site review team to determine the adequacy of governance and resources for these programs.

Weakness 2: Although Lynchburg College has in place a strategic plan and goals, the goals of the School of Education and Human Development do not align with the goals of the College. Based on the information provided, the on-site review team could not determine the specific goals of the professional education program.

Weakness 3: No long-range planning for the professional education program was provided.

Weakness 4: There is no evidence of consistent and regular meeting times for the community partners, faculty and staff, decision making, collaboration, and strategic planning among these groups. Input and feedback are disjointed and lack the cohesiveness necessary to make decisions and recommendations for program improvement.

Weakness 5: No evidence of collaborative input from faculty, community partners, and students for development and updates that reflect current trends and issues related to the professional education program was provided. No evidence of consistent meetings of faculty to discuss needs and recommendations for professional education program improvement was provided.

Weakness 6: No definitive evidence (i.e., minutes of meetings) was provided to the on-site review team regarding input from the Board of Advisors and the Teacher Preparation Council to confirm that decisions are made on a regular basis that would impact the effective operation and/or implementation of the professional education program. This is a continued area cited as a recommendation made during the previous on-site visit.

- On April 28, 2014, the Advisory Board on Teacher Education and Licensure (ABTEL) reviewed the 2013 *Professional Education Program Review Team Report of Findings and Lynchburg College's Response*. Dr. Jan Stennette, former dean of the School of Education and Human Development, was available during the meeting to respond to questions from ABTEL members. The Advisory Board on Teacher Education and Licensure recommended to the Board of Education that the Lynchburg College professional education program be "accredited with stipulations."
- At the May 22, 2014, Board of Education meeting, the recommendation of the Advisory Board on Teacher Education and Licensure was presented. Dr. Jan Stennette responded to questions regarding the team's findings. During the discussion, Board members requested that Lynchburg College submit a plan outlining how the College would address the weaknesses cited in the on-site review team's report.
- On June 26, 2014, the Board of Education approved the Advisory Board on Teacher Education and Licensure's recommendation to accept the review team's recommendation that the professional education program at Lynchburg College be "accredited with stipulations." This approval was contingent on the quarterly status report due by September 30, 2014, updating the progress of correcting the weaknesses. The

professional education program met the standards minimally, but significant weaknesses were identified. Within a two-year period, the professional education program must fully meet standards as set forth in section 8VAC20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

### Lynchburg College Response

- In response to the Board of Education’s request, Lynchburg College submitted a status report on September 30, 2014, providing specific actions and plans proposed to address the weaknesses.
- On April 21, 2015 a final *Follow-Up Institutional Report* was sent by former Dean Stennette to the Director of Teacher Education, Dr. Joan Johnson, summarizing program improvements implemented to address the deficiencies. Upon receipt of the report and review by Dr. Johnson, a follow-up on-site campus review visit was scheduled on April 29-30, 2015.
- Following setting the date for the monitoring visit, Dr. Stennette announced her retirement, and the College Board approved the appointment of Dr. Roger Jones as the new college Dean. As a result of this change in program leadership and reorganization of unit structure, two monitoring visits were held. The first review visit was held on April 29-30, 2015, to review the extent to which the weaknesses had been addressed, and the second review was held on October 30, 2015, to evaluate the implementation of proposed plans by the new department administration to correct the cited weaknesses.
- The overall recommendation of the follow-up review team was that the professional education program be “Accredited.” The team made this recommendation based on the information available in the 2013 and 2015 *Institutional Reports* and the evidence available during both on-site visits in April and October 2015. Specific details for each standard are identified in the *2015 Professional Education Program Follow-Up Monitoring Review Team Report of Findings* (See Appendix A). Additionally, a letter from Lynchburg College acknowledging the team’s report can be found in Appendix B.
- The 2015 review team’s recommendations for each of the four standards were as follows:

Standards	Review Team Recommendations
<b>Standard 1:</b> Program Design	Met
<b>Standard 2:</b> Candidate Performance on Competencies for Endorsement Areas	Met
<b>Standard 3:</b> Faculty in Professional Education Programs	Met
<b>Standard 4:</b> Governance and Capacity	Met

#### Board discussion:

- Dr. Cannaday and Mrs. Wodiska thanked Dr. Jones for his leadership.
- Mrs. Atkinson said it is amazing to see the changes and amount of work done since Lynchburg College last met with the Board.

The Board of Education received for first review the Advisory Board on Teacher Education and Licensure’s recommendation that the professional education program at Lynchburg College be accredited.

**First Review of Proposed Revisions to the Procedure for Adjusting Grievances, 8 VAC 20-90-10 et seq. (Final Stage)**

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

- The 2013 Virginia General Assembly approved House Bill [2151](#) and Senate Bill [1223](#) to amend and re-enact §§ [2.2-507](#), [22.1-79](#), [22.1-253.13:5](#), [22.1-293](#), [22.1-294](#), [22.1-295](#), [22.1-298.1](#), [22.1-299](#), [22.1-302](#), [22.1-303](#), [22.1-304](#), [22.1-305](#), [22.1-305.1](#), [22.1-306](#), [22.1-307](#), [22.1-309](#), [22.1-311](#), [22.1-313](#), and [22.1-314](#) of the *Code of Virginia* and to repeal §§ [22.1-299.3](#), [22.1-310](#), and [22.1-312](#) of the *Code of Virginia*. Senate Bill [2151](#) bill is identical to [1223](#).

§ [2.2-507](#). Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. ~~Third impartial panel members~~ *Hearing officers* appointed to hear a teacher's grievance pursuant to § [22.1-312](#) [22.1-311](#);
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ [9.1-151](#) et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § [8.01-225](#).

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

§ [22.1-79](#). Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ [22.1-293](#) et seq.) and Article 3 (§ [22.1-306](#) et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances, ~~except that there shall be no right to a hearing before a fact-finding panel.~~ Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § [22.1-308](#) shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;
8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
9. (Expires July 1, 2015) At least annually, survey the school division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and
10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to § [9.1-914](#).

§ [22.1-305](#). Nonrenewal of contract of probationary teacher.

A. Before a division superintendent recommends to the school board nonrenewal of the contract of a teacher who has not achieved continuing contract status, the division superintendent shall consider, among other things, the performance evaluations for such teacher required by § [22.1-303](#) and shall notify the teacher of the proposed recommendation. Upon written request of the teacher within five working days after receipt of such notice, the division superintendent or his designee shall orally provide the specific reasons, if any, for such recommendation, along with supporting documentation, including such performance evaluations, to the teacher and, if requested by the teacher, to his or her representative. Within ~~ten~~ 10 days after receiving such reasons, the teacher may request, by notification in writing to the division superintendent, a conference before the division superintendent. Upon such request, the division superintendent shall set a date for the conference, which shall be within ~~thirty~~ 30 days of the request, and shall give the teacher at least ~~fifteen~~ 15 days' notice of the time and place of the conference.

B. The conference shall be before the division superintendent or his designee. No such designee shall have recommended to the division superintendent the nonrenewal of the teacher's contract. The teacher and the person or persons who recommended the nonrenewal of the teacher's

contract to the division superintendent, or a representative of either or both, shall be allowed to participate in the conference, but no such representative shall be an attorney.

C. If the conference is before a designee of the division superintendent, the designee shall communicate his recommendations to the division superintendent and to the teacher.

D. The division superintendent shall notify the teacher, in writing, of his intention with respect to the recommendation within ~~ten~~ 10 days after the conference.

E. In any case in which a teacher requests ~~a conference~~ *reasons for the recommendation* as provided in this section, written notice of nonrenewal of the contract by the school board must be given *either within 10 days after the time for requesting a conference has expired and the teacher has not made a timely request for a conference or, if a conference is requested, within thirty* 30 days after the division superintendent notifies the teacher of his intention with respect to the recommendation and the provisions of § [22.1-304](#) requiring such notice on or before ~~April~~ June 15 shall not be applicable.

F. The conference shall be confidential and no written or oral communication of such conference shall be made to anyone other than the school board, in executive session, and employees of the school division having an interest therein; however, both the teacher and the division superintendent, upon request, may provide the reasons for the nonrenewal to a potential employer of the teacher.

G. The provisions of this section shall be inapplicable when a decrease in enrollment or the abolition of a particular subject or reduction in the number of classes offered in a particular subject causes a reduction in the number of teachers; however, a statement to that effect shall be placed in the personnel file of each teacher whose contract is nonrenewed for any such reason.

H. The intent of this section is to provide an opportunity for a probationary teacher to discuss the reasons for nonrenewal with the division superintendent or his designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § [22.1-307](#), for the nonrenewal of the contract of a teacher who has not achieved continuing contract status nor shall the failure of the school board or the division superintendent to comply with any time requirement herein constitute a basis for continued employment of the teacher.

§ [22.1-306](#). Definitions.

As used in this article:

*"Business day" means any day that the relevant school board office is open.*

*"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.*

*"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.*

"Grievance" means a complaint or dispute by a teacher relating to his ~~or her~~ employment, including, but not necessarily limited to: (i) disciplinary action including dismissal ~~or placing on probation~~; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to ~~(i)~~ (1) establishment and revision of wages or salaries, position classifications or general benefits, ~~(ii)~~ (2) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, ~~(iii)~~ (3) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, ~~(iv)~~ (4) failure to promote, ~~(v)~~ (5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, ~~(vi)~~ (6) hiring, transfer, assignment, and retention of teachers within the school division, ~~(vii)~~ (7) suspension from duties in emergencies, ~~or (viii)~~ (8) the methods, means, and personnel by which the school division's operations are to be carried on, *or (9) coaching or extracurricular activity sponsorship.*

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

~~"Dismissal" means the dismissal of any teacher during the term of such teacher's contract and the nonrenewal of the contract of a teacher on continuing contract.~~

§ [22.1-307](#). Dismissal of teacher; grounds.

A. Teachers may be dismissed ~~or placed on probation~~ for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § [63.2-1505](#), and after all rights to an appeal provided by § [63.2-1526](#) have been exhausted. The fact of such finding, after all rights to an appeal provided by § [63.2-1526](#) have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory *one or more unsatisfactory performance evaluations*.

§ 22.1-309. Notice to teacher of recommendation of dismissal; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

In the event a division superintendent determines to recommend dismissal of any teacher ~~or the placing on probation of a teacher on continuing contract~~, written notice shall be sent to the teacher notifying him of the proposed dismissal ~~or placing on probation~~ and informing him that within ~~fifteen~~ *five business days* after receiving the notice the teacher may request a hearing before the school board ~~or, at the option of the local school board, a hearing officer appointed by the school board as provided in § 22.1-311 or before a fact-finding panel as provided in § 22.1-312~~. During such ~~fifteen-day~~ *five business day* period and thereafter until a hearing is held in accordance with the provisions ~~herein of this section~~, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for ~~herein in this section~~. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311 ~~or § 22.1-312~~, the division superintendent shall provide, within ~~ten~~ *10* days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal ~~or probation~~. Within ~~ten~~ *10* days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal ~~or probation~~. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" ~~shall mean~~ *means* any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

§ 22.1-311. Hearing before school board or hearing officer.

A. Upon a timely request for a hearing pursuant to § 22.1-309, the school board ~~or, at the option of the school board, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place~~. The hearing ~~before the school board, which shall be private unless the teacher requests a public one, must be set within 30 days of the request, and the teacher must be given at least 15 days' written notice of the time and place the hearing to be public~~. At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

B. Each school board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing. In the event of a hearing before a hearing officer, the school board may make its decision upon the record or recording of such hearing, pursuant to § 22.1-313, or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.

C. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

D. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

§ 22.1-313. Decision of school board; generally.

A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals; ~~and suspensions and placing on probation~~.

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the hearing~~. ~~A record of the proceedings shall be taken and made available as provided in subsection I of § 22.1-312~~. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

C. In the case of a hearing before a ~~fact-finding panel~~ *hearing officer appointed by the school board*, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the school board receives both the transcript of such hearing, if any,~~

~~and the panel's findings of fact and recommendations receiving the record or recording of the hearing; however, should there be a further hearing before the school board, as hereafter provided, such decision shall be furnished the teacher within as soon as practicable and no more than 30 days after such further hearing. The decision of the school board shall be reached after considering the transcript, if any, and the findings of fact and recommendations of the panel and such further evidence as the school board may receive at any further hearing.~~

~~C-D. A teacher may be dismissed, or suspended or placed on probation by a majority of a quorum of the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subsection D of this section, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.~~

~~D. In any case in which a further hearing by a school board is held after a hearing before a fact-finding panel, the school board shall consider at such further hearing the transcript, if any, the findings and recommendations of the fact-finding panel and such further evidence, including that of witnesses having testified before the panel, as the school board deems appropriate or as may be offered on behalf of the grievant or the respondent. A school board may initiate any such hearing upon written notice to the teacher and the division superintendent within 10 business days after the board receives the findings of fact and recommendations of the panel and any transcript of any panel hearing. Such notice shall specify each matter to be inquired into by the school board. In any case in which a teacher may initiate any such hearing, the teacher shall request such hearing in writing within 10 business days after receiving the findings of fact and recommendations of the panel and any transcript of the panel hearing. Any decision by the school board shall be based solely on the transcript, if any, the findings of fact and recommendations of the panel, and any evidence relevant to the issues of the original grievance adduced at the hearing in the presence of each party. Such hearing shall be conducted as a hearing by the school board as provided in § 22.1-311.~~

E. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and, notwithstanding the provisions of § 22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

§ 22.1-314. Decision of school board; issue of grievability; appeal.

Decisions regarding whether or not a matter is grievable shall be made by the school board at the request of the school division administration or grievant and such decision shall be made within 10 business days of such request. The school board shall reach its decision only after allowing the school division administration and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

Proceedings for review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 business days after the date of the decision and giving a copy thereof to all other parties. Within 10 business days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or school board hearing or the right to such determination shall be deemed to have been waived.

The *Constitution of Virginia* grants the Board of Education authority for the general supervision of the public school system, and Section 22.1-16 of the *Code of Virginia* authorizes the Board to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

*Constitution of Virginia* (Article VIII, Section 4): "The general supervision of the public school system shall be vested in a Board of Education...."

*Code of Virginia*, Section 22.1-16. Bylaws and regulations generally.

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

- On June 27, 2013, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). The NOIRA was filed with the Virginia Registrar.
- The Board of Education approved the *Procedure for Adjusting Grievances* (Proposed Stage) on February 27, 2014. A public hearing was held on January 28, 2016. No public comment was received.
- The Virginia Board of Education regulations, *Procedure for Adjusting Grievances*, were last amended effective May 2, 2005. The 2013 General Assembly approved legislation resulting in the need to make revisions to the regulations. Other than changing the *Procedure for Adjusting Grievances* to comport with the 2013 legislation, no additional substantive revisions were made. The major revisions to the regulations are as follows:
  - Changes the grievance procedure for teachers by giving local school boards the option to assign a grievance hearing to be heard by an impartial hearing officer designated by the local school board;
  - Removes the option for a grievance to be heard before a fact-finding panel;
  - Removes “placing on probation” from the definition of a Grievance; and
  - Revises the Board of Education forms prescribed by the *Code of Virginia*.

#### Board discussion:

- Mr. Dillard asked if it was possible for the Board to undo the fact finding panel that was previously available to teachers. Mrs. Pitts said the General Assembly removed the fact finding panel from the grievance procedures for teachers and the Board does not have any discretion in that regard at this time.
- Mr. Dillard asked about restoring the three panel members that make the final decision as opposed to the impartial member appointed by the local school board. Mrs. Pitts said the General Assembly changed the definition and local school boards may use a hearing officer.
- Mrs. Atkinson asked if there was a bill this session that impacted the timeframes in the regulations. Dr. Staples said there was a proposed bill that did not go through the legislature.

The Board of Education received for first review the proposed revisions to the *Procedure for Adjusting Grievances*, 8 VAC 20-90-10 et seq. (Final Stage).

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

#### Update on Initial Implementation of ACT WorkKeys Reading for Information Test

Dr. Staples noted that the end-of-course reading SOL test has become a barrier to graduation for many students, especially English language learners. Dr. Staples said the Board approved the WorkKeys Reading for Information Test as a substitute test on February 25, 2016. As a result, 23 schools divisions reported that they have begun administering the test or are preparing to administer the test. Numerous students have taken the substitute test and passed after

trying numerous times to pass the SOL assessment without success. Dr. Staples said the substitute test is a different way to assess the rigor of the standards.

### ***DINNER MEETING***

The Board met for a public dinner on Wednesday, March 16, 2016, at 6:00 p.m., at the Berkley Hotel with the following members present: Mrs. Atkinson, Dr. Cannaday, Mr. Dillard, Mr. Gecker, and Mr. Romero. 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 8:00 p.m.

### ***EXECUTIVE SESSION***

Mrs. Atkinson made a motion to go into executive session under *Virginia Code* §2.2-3711(A)(41), for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses, and, under *Virginia Code* § 2.2-3711(A)(7), to consult with counsel and receive legal advice regarding the same, and that Wendell Roberts and Mona Siddiqui, legal counsel to the Virginia Board of Education, as well as staff members, Dr. Steven Staples, Patty Pitts, Nancy Walsh, and Chris Fillmore. The motion was seconded by Dr. Baysal and carried unanimously. The Board went into Executive Session at 12:00 p.m.

Mrs. Atkinson made a motion that the Board reconvene in open session. The motion was seconded by Mr. Gecker and carried unanimously. The Board reconvened at 1:39 p.m.

Mrs. Wodiska 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. Atkinson and carried unanimously.

#### Board Roll call:

Mr. Dillard – Yes  
Mrs. Wodiska – Yes  
Mrs. Atkinson – Yes  
Dr. Baysal – Yes  
Mr. Romero – Yes  
Mr. Gecker – Yes

The Board made the following motions:

- Mrs. Atkinson made a motion to revoke the license of Michael Duane Griffin, Jr. The motion was seconded by Mr. Gecker and carried unanimously.

- Mrs. Atkinson made a motion to suspend the license of Cornelius Brandon Smith until March 17, 2017. The motion was seconded by Dr. Baysal and carried with 5 “yes” votes. Mr. Dillard voted “no.”
- Mrs. Atkinson made a motion to deny a license for Belinda Rochell Atkins. The motion was seconded by Dr. Baysal and carried unanimously.
- Mrs. Atkinson made a motion to issue a license in Case #3. The motion was seconded by Dr. Baysal and carried unanimously.
- Dr. Baysal made a motion to issue a license in Case #4. The motion was seconded by Mrs. Atkinson and carried unanimously.
- Mrs. Atkinson made a motion to revoke the license of Elizabeth Suzanne Ferguson. The motion was seconded by Dr. Baysal and carried unanimously.
- Mrs. Atkinson made a motion to revoke the license of Telisa Sharmaine Pittman. The motion was seconded by Dr. Baysal and carried unanimously.

***ADJOURNMENT OF THE BUSINESS SESSION***

There being no further business of the Board of Education, Mrs. Wodiska adjourned the meeting at 1:45 p.m.



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President