

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 22, 2006

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Conference Rooms C and D, Richmond, with the following members present:

Dr. Mark E. Emblidge, President
Dr. Ella P. Ward, Vice President
Mrs. Isis M. Castro
Mr. David L. Johnson

Dr. Gary L. Jones
Mrs. Eleanor B. Saslaw

Dr. Patricia I. Wright, Acting
Superintendent of Public Instruction

Dr. Emblidge, president, presided and called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Emblidge asked for a moment of silence and Mrs. Saslaw led in the Pledge of Allegiance.

SECRETARY OF EDUCATION

Dr. Emblidge introduced The Honorable Thomas R. Morris, Secretary of Education, Commonwealth of Virginia, to address the Board.

Secretary Morris discussed the Governor's major educational priorities, which include the following: PreK-12, SOL, P-16 Council, and grants for state college initiatives. After his presentation, Secretary Morris introduced the Deputy Secretary of Education, Judith E. Heiman.

APPROVAL OF MINUTES

Dr. Jones made a motion to approve the minutes of the February 15, 2006, meeting of the Board. The motion was seconded by Mrs. Castro and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

RECOGNITION

A Resolution of Recognition was presented to Chesapeake City Public Schools and Rockbridge County High School, as recipients of the Board of Education's Leadership in Cultural Diversity Education Award.

The following individuals were in attendance from Chesapeake City Public Schools: Dr. W. Randolph Nichols, superintendent; Mr. Thomas Mercer, chairman of the school board; Mr. Edward L. Hughes, clerk of the board; and Mr. Thomas A. Cupitt, director of public information.

The following individuals were in attendance from Rockbridge County High School: Mr. Chip Coalter, Interact Club sponsor; Ms. Sarah Hart, Interact Club president; Ms. Sarah Stickley, president-elect; and Mr. Jimmy Schultzer, president-elect.

PUBLIC COMMENT

The following persons spoke during public comment: Cindy Arbelbide and Angela Ciolfi.

CONSENT AGENDA

Dr. Jones made a motion to approve the items on the consent agenda. The motion was seconded by Dr. Ward and carried unanimously.

- Final Review of Financial Report on Literary Fund
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Recommendations Concerning Literary Fund Applications Approved for Release of Fund or Placement on a Waiting List

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation to approve the financial report (including all statements) on the status of the Literary Fund as of December 31, 2005, was approved with the Board's vote on the consent agenda.

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation to approve 27 applications totaling \$109,498,325 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*, was approved with the Board's vote on the consent agenda.

| DIVISION | SCHOOL | AMOUNT |
|-------------------|-----------------------------|-------------------------|
| Colonial Beach | Colonial Beach Middle | \$4,000,000.00 |
| Washington County | Abingdon Elementary | 1,211,924.00 |
| Washington County | High Point Elementary | 986,356.00 |
| Washington County | Valley Institute Elementary | 735,613.00 |
| Washington County | E. B. Stanley Middle | 931,273.00 |
| Martinsville City | Patrick Henry Elementary | 2,500,000.00 |
| Waynesboro City | Kate Collins Middle | 7,500,000.00 |
| Rockingham County | Hillyard Middle | 7,500,000.00 |
| Rockingham County | Wilbur S. Pence Middle | 7,500,000.00 |
| Halifax County | South Boston Elementary | 3,633,159.00 |
| Culpeper County | Culpeper County High | 7,500,000.00 |
| Henry County | Campbell Court Elementary | 4,000,000.00 |
| Essex County | Essex Intermediate School | 7,500,000.00 |
| Caroline County | Ladysmith Elementary | 7,500,000.00 |
| Hanover County | Hanover Elementary | 7,500,000.00 |
| Hanover County | Trades Based Center | 7,500,000.00 |
| Roanoke County | William Byrd High | 7,500,000.00 |
| Roanoke County | Northside High | 7,500,000.00 |
| Augusta County | Stuarts Draft High | 7,500,000.00 |
| Augusta County | Wilson Memorial High | 7,500,000.00 |
| Patrick County | Blue Ridge Elementary | 151,618.00 |
| Patrick County | Hardin Reynolds Memorial | 105,406.00 |
| Patrick County | Meadows of Dan Elementary | 105,217.00 |
| Patrick County | Patrick County High | 275,324.00 |
| Patrick County | Patrick Springs Primary | 195,976.00 |
| Patrick County | Stuart Elementary | 304,878.00 |
| Patrick County | Woolwine Elementary | 361,581.00 |
| TOTAL | | \$109,498,325.00 |

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

The Department of Education's recommendation to approve the actions described in the following two elements was approved with the Board's vote on the consent agenda:

1. Ten new projects, totaling \$59,133,159, are eligible for placement on the First Priority Waiting List, subject to review and approval by the Office of the Attorney General pursuant to §22.1-156, *Code of Virginia*.
2. Seventeen new projects, totaling \$50,365,166, have Literary Fund applications, which are approved as to form, but the plans have not yet been finalized. When the Department receives the plans, these projects will be eligible for placement on a waiting list, subject to review and approval by the Office of the Attorney General pursuant to §22.1-156, *Code of Virginia*. Until such time, these projects should remain on the Approved Application List.

The Department of Education's recommendation for projects on the First Priority Waiting List to be deferred because no funds are available was approved with the Board's vote on the consent agenda.

STATEMENT FROM ANDREW ROTHERHAM

Mr. Rotherham was unable to attend the meeting and requested the following be included in the Board minutes.

I regret that I am unable to attend this Board of Education meeting but my wife is giving birth, which obviously requires that I remain in Charlottesville.

For the Board's records, had I been at today's meeting I would not have supported the recommendation of the Acting Superintendent of Public Instruction with regard to items F and G on the agenda.

With regard to item F, I support components 4, 5, 6, and 7, but not components 1, 2, 3, and 8 of the requested waivers from *No Child Left Behind*. Component 1 would delay a right that students in Virginia currently enjoy under the law and SES can be accelerated without infringing on this right. Component 2, targeting public school choice and SES services is sound with regard to the latter but not the former. Linking public school choice to just certain subgroups of students can create a perverse push out incentive. Beyond public school choice and SES, schools and divisions enjoy flexibility with regard to various interventions for struggling students and can tailor assistance to different groups of students in the absence of a waiver from *No Child Left Behind*. Meanwhile, component 3 has the potential to deflect attention from underperforming groups of students, most likely minority students. Finally, while NCLB does create problems for assessment of and accountability for English language learners, without additional public reporting and attention to these students component 8 introduces too great a loophole for students who are already at substantially greater risk of school failure to fall through.

With regard to item G, I support the ABTEL modified recommendation for the writing portion of the test but not the reading section where I support the original recommendation of 26 of 35 from the standard setting study. I examined the test instrument earlier this month. Because verbal ability is one of the few traits linked to teaching effectiveness through methodologically rigorous research I believe the ABTEL recommendation on the reading portion of the test of a cut score of 23, which equates to a passing score of 66 percent, is too low. A 2003 review of the body of literature around teacher effectiveness found that literacy affects student achievement more than any other variable, including teacher experience and certification status (for a summary see *Beating the Odds, National Council on Teacher Quality 2004*). Consequently, this test plays an important gate-keeping function and the standard setting study recommendation of 26 of 35 or 74 percent, is reasonable and shows respect for Virginia's teachers by setting a meaningful bar for entry to their profession.

ACTION/DISCUSSION ON BOARD OF EDUCATION REGULATIONS

Second Review of the Proposed Revisions to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the current regulations were adopted by the Board of Education on July 29, 2000, and became effective September 28, 2000. A Notice of Intended Regulatory Action (NOIRA) required by the Virginia Administrative Process Act (APA) was published in the *Virginia Register* on March 21, 2005, to advise the public of the Board's intent to conduct a comprehensive review of the regulations. No comments from the public were received. The first review of the proposed changes to these regulations was presented to the Board on June 22, 2005. On October 26, 2005, the Board accepted Governor Warner's recommendation to add language requiring students in elementary and middle schools to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education.

Mrs. Wescott said the 60-day public comment period began on November 28, 2005, and ended on January 31, 2006. Staff accepted public comments on behalf of the Board beginning June 22, through March 7, 2006, when the latest comment was received. On January 17, the Board held five public hearings in Chesapeake, Leesburg, Highland Springs, Waynesboro, and Wytheville. A total of 49 people spoke at the five hearings: 4 in Chesapeake, 18 in Highland Springs, 11 in Leesburg, 7 in Waynesboro, and 9 in Wytheville. In addition, 351 individuals and organizations submitted written comments during the public comment period. Copies of the public comments had been distributed to all members of the Board of Education.

Mrs. Wescott highlighted the following proposed changes that will go out to school divisions for review and presented to the Board of Education again in May:

8 VAC 20-131-50. Requirements for Graduation.

- Language regarding the Modified Standard Diploma that was stricken in the proposed revisions have been restored. This language specifies that:
 1. The informed, written consent of the parent is required,
 2. The student who has chosen to pursue a Modified Standard Diploma shall be allowed to pursue a Standard or Advanced Studies Diploma at any time in the student's high school career, and
 3. The student must not be excluded from courses or tests required for a Standard or Advanced Studies Diploma.
- Language about the diploma seals clarifies that a student may earn more than one seal.
- Language further clarifies that the licenses and examinations for the Board of Education's Career and Technical Education Seal and Advanced Mathematics and Technology Seal must be approved by the Board.

8 VAC 20-131-60. Transfer of Students.

- Language was revised to clarify that students transferring from Virginia public schools and nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education shall be recognized for all grade-level work completed in grades K-8. The academic records of students from all other schools shall be evaluated to determine appropriate grade placement.
- Language specifies that all secondary schools shall accept credits toward graduation from nonpublic schools accredited by one of the constituent members of the Virginia Council for Private Education.
- Additional language specifies that nothing in the regulations prohibits public schools from accepting standard credits towards graduation from all other schools when the course generally matches the course for which the receiving school gives standard credit and the school from which the student transfers certifies that the course meets the requirements for a standard credit, as specified in these regulations.
- A provision is added to allow a student who transfers to a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade, who is pursuing a Standard Diploma, and who completes a career and technical education program sequence to substitute the certificate, occupational competency credential, or license for either a science or a history or social science verified credit.

8 VAC 20-131-110. Standard and Verified Units of Credit.

- Language simply clarifies that students who were in the ninth-grade class of 2003-2004 and beyond may be eligible to earn locally awarded verified credits from the local school board.

8 VAC 20-131-240. Administrative and Staff Support; Staffing Requirements.

- A revision is made to specify that guidance counselors for elementary schools shall provide a minimum of 60 percent of the time devoted to counseling of students. This provision currently applies to guidance counselors in middle and secondary schools,
- Language clarifies that each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties. It also clarifies that middle and secondary teachers' standard load shall be based on teaching no more than 5/6 of the instructional day, with no more than 150 student periods per day or 25 class periods per week.

8 VAC 20-131-05. Definitions.

- The definitions of "class period," "planning period," and "student periods" are added to clarify the references to 8 VAC 20-131-240 regarding the middle and secondary classroom teacher's standard load and planning period.
- The definition of "recess" is added to clarify that it is a segment of time in which students are given a break from instruction.
- The definition of "reconstitution" is added, in reference to 8 VAC 20-131-315 regarding a school that is denied accreditation.

8 VAC 20-131-300. Application of the Standards.

- The accreditation rating, Accreditation Withheld/Improving School Near Accreditation, is restored for school year 2006-2007, based on the assessments taken in school year 2005-2006. The accreditation rating expires at the end of school year 2006-2007.
- Language clarifies that accreditation ratings awarded in an academic year are based upon Virginia assessment program scores from the academic year immediately prior to the year to which the accreditation rating applies.
- Language further clarifies that the provisions of the current Standards of Accreditation apply to accreditation ratings awarded for academic year 2006-2007, based on assessments taken in 2005-2006.
- Additional language clarifies that a school that is reconstituted and is Conditionally Accredited may have its accreditation rating revert to Accreditation Denied if it fails to be Fully Accredited or fails to have its annual application for such rating renewed.

8 VAC 20-131-310. Action Requirements for Schools That Are Accredited with Warning or Accreditation Withheld/Improving School Near Accreditation.

- Language is moved from 8 VAC 20-310-40 to this section. The language says that schools rated Accredited with Warning must undergo an academic review and prepare and implement a school improvement plan.
- Language also specifies that schools rated Accreditation Withheld/Improving School Near Accreditation must also undergo an academic review and prepare and implement a school improvement plan.

8 VAC 20-131-315. Action Requirements for Schools That Are Denied Accreditation.

- A new section is added for clarity. Language about the requirements for schools denied accreditation is moved from 8 VAC 20-131-340 to this section.
- The sequence and timing of these provisions has been modified:
 - A. Any school rated Accreditation Denied must notify the parents and other interested parties of the accreditation rating within 30 calendar days of receiving the notification, and must provide them with a copy of the proposed corrective action plan and an opportunity to comment on the corrective action plan.
 - B. The school is 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.
 - C. The local school board must submit a corrective action plan to the Board of Education within 45 days of the notification of the rating, for consideration in the memorandum of understanding.
 - D. The memorandum between the Board of Education and the local school board shall be entered into no later than November 1 of the year in which the accreditation rating is awarded.

E. The local school board must submit status reports to the Board of Education, and the principal, division superintendent, and chair of the school board may be required to appear before the Board of Education to present the status reports.

- The option for reconstituting a school has been modified. If the local school board chooses to reconstitute a school, it must apply annually for an accreditation rating of Conditionally Accredited. The Conditionally Accredited rating may be granted for up to three years if the school is making progress toward a rating of Full Accreditation in accordance with the terms of the approval of the application.
- The provisions about replacing staff, hiring a management firm, or converting to a charter school are no longer included as examples of reconstitution.

8 VAC 20-131-330. Waivers.

- This section is moved to 8 VAC 20-131-350.

8 VAC 20-131-340. Academic Reviews, Special Provisions, and Sanctions.

- The provisions relating to academic reviews and Accreditation Denied are moved to 8 VAC 20-131-310 and 8 VAC 20-131-315. The section is renamed “Special Provisions and Sanctions.”
- A provision is added to specify that withholding of a school’s accreditation rating shall not be considered an interruption of the three consecutive year period for purposes of receiving an Accreditation Denied status.

8 VAC 20-131-350. Waivers.

- This section is moved from 8 VAC 20-131-330.

8 VAC 20-131-360. Effective Date.

- Unless otherwise specified, these regulations are effective for the 2006-2007 school year.

Mrs. Wescott said that minor editorial changes were also recommended for clarity and consistency. During the discussion after Mrs. Westcott’s presentation, Dr. Emblidge requested the Department of Education to develop an outline for school divisions listing information to be included on a Corrective Action Plan.

Dr. Jones made a motion to approve the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* for second review, and authorize an additional 30 days of public comment. The motion was seconded by Dr. Ward and carried unanimously.

The Board commended Dr. Wright, Mrs. Wescott, and the Policy staff for a job well done.

First Review of Economics Education and Financial Literacy: Objectives and Correlations to Mathematics and History and Social Science Standards of Learning and Career and Technical Education Competencies

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that on March 26, 2005, the General Assembly approved SB 950, a bill directing the Virginia Board of Education to “establish objectives for economic education and financial literacy.” Subsequently, the *Code of Virginia* was amended as follows:

Section 22.1-200.03. Economics education and financial literacy required in middle and high school grades; Board of Education to establish objectives for economic education and financial literacy; banking-at-school programs.

A. By July 1, 2006, instruction in the principles of the American economic system shall be required in the public middle and high schools of the Commonwealth to promote economics education and financial literacy of students and to further the development of knowledge, skills, and attitudes needed for responsible citizenship in a constitutional democracy.

B. The Board of Education shall develop and approve objectives for economics education and financial literacy at the middle and high school levels that shall be required of all students, and shall provide for the systematic infusion of economic principles in the relevant Standards of Learning, and in career and technical education programs. The objectives shall include, but not be limited to, personal living and finances; personal and business money management skills; opening an account in a financial institution and judging the quality of a financial institution's services; balancing a checkbook; completing a loan application; the implications of an inheritance; the basics of personal insurance policies; consumer rights and responsibilities; dealing with salesmen and merchants; debt management; managing retail and credit card debt; state and federal tax computation; local tax assessments; computation of interest rates by various mechanisms; understanding simple contracts; and learning how to contest an incorrect bill.

C. To facilitate the objectives of economics education and financial literacy through practical experiences, the Department shall confer with the State Corporation Commission's Bureau of Financial Institutions, and financial and relevant professional organizations in the development of guidelines for such literacy objectives. . . .

D. The Board shall not be required to evaluate student achievement concerning economics education and financial literacy objectives in the Standards of Learning assessments required by § 22.1-253.13:3.....

Dr. Wallinger said that the Department of Education convened a representative group of stakeholders to assist in the development of objectives in economics education and financial literacy to be required of all students at the middle and high school levels. The objectives are correlated to the Virginia Mathematics and History and Social Science Standards of Learning, and the Career and Technical Education competencies. Copies of the objectives and correlations had been distributed to all members of the Board

Dr. Ward made a motion to accept the proposed economics education and financial literacy objectives and correlations for first review. The motion was seconded by Mrs. Saslaw and carried unanimously. This item will be presented to the Board for final adoption at the April meeting.

Final Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Under the No Child Left Behind Act of 2001

Dr. Wallinger and Shelly Loving-Ryder, assistant superintendent for assessment and reporting presented this item. Dr. Wallinger said that the *No Child Left Behind Act of 2001* (NCLB), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application. In May 2002, the Virginia Board of Education submitted and received USED approval for its initial Consolidated State Application under the NCLB law. The NCLB application process involves multiple submissions of information, data, and policies. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook that describes a single statewide accountability system for the commonwealth. Virginia received USED approval for its accountability workbook in June 2003. Additional amendments were made to Virginia's workbook in September 2003, May 2004, and June 2005. The policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2005-2006 school year based on 2004-2005 assessment results are described in the amended workbook dated June 22, 2005.

Dr. Wallinger said that Virginia's proposed amendments fall under seven major areas: (1) reversing the order of the school choice and supplemental educational services (SES) sanctions; (2) targeting choice and SES only to the subgroup and individual students not making AYP; (3) identifying for improvement only those schools that fail to make AYP for two consecutive years in the same subject and subgroup; (4) including the passing scores of all retests of SOL assessments required for graduation in the calculation of AYP; (5) including test scores from only certain grade levels in the 2006-2007 AYP performance calculation for subgroups; (6) extending flexibility in AYP calculation policies for students with disabilities; and (7) modifying testing and AYP calculation policies for limited English proficient (LEP) students. Copies of the proposed amendments had been distributed to all members of the Board.

Mrs. Saslaw made a motion to adopt the proposed amendments to the Virginia Consolidated State Application Accountability Plan as permitted in Section 9401 of the federal law. The motion was seconded by Mrs. Castro and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure to Establish Cut Scores for the Virginia Communication and Literacy Assessment (VCLA)

Dr. Thomas Elliott, assistant superintendent for teacher education, licensure, and professional practice, presented this item. Dr. Elliott said that the Board of Education is authorized to prescribe requirements for the licensure of teachers.

Dr. Elliott said that on June 22, 2005, the Board of Education approved the recommendation of the Special Committee of the Board of Education to Study and Make Recommendations Relative to Teacher Licensure Assessment and prescribed the following professional teacher's examinations for initial licensure in Virginia: (1) Literacy and Communication Skills Assessment; (2) Praxis II (content assessment); and (3) if applicable, the Virginia Reading Assessment.

An award was granted to National Evaluation Systems, Inc. to develop the Virginia Communication and Literacy Assessment (VCLA). The VCLA is composed of two areas—reading and writing. Each area is assessed by a separate subtest—a reading subtest and a writing subtest. The reading subtest contains multiple-choice items. The writing subtest contains multiple-choice items and two writing assignments—a written summary and a written composition.

The reading subtest assesses the following:

- Understanding of the meaning of words and phrases;
- Understanding the main idea and supporting details in written material;
- Analyzing the relationship among ideas in written material;
- Using critical-reasoning skills to evaluate written material; and
- Applying skills for summarizing, outlining, and visually representing written materials and for interpreting information presented in graphic form.

The writing subtest assesses the following:

- Understanding the influence of purpose and audience in written communication;
- Applying principles of unity, focus, and development in writing; principles of organizing in writing; principles of sentence and paragraph construction in writing; and correct usage in Standard English;
- Applying knowledge of mechanical conventions in Standard English;
- Improving ineffective writing by analyzing and revising sentences containing problems related to grammar and usage, construction, and mechanics;
- Producing a written summary of a given informational or persuasive passage; and
- Preparing a developed composition on a given topic using language consistent with a given audience and purpose.

The reading subtest contains 40 multiple-choice items of which 35 are scored. The writing subtest contains 46 multiple-choice and short-answer items of which 41 are

scored. Additionally, two writing assignments are required including: (1) a written summary, and (2) a written composition.

Dr. Elliott said that the VCLA is not a timed test; however, the test must be completed during the four-hour test session. An individual may choose to take both the reading and writing or one subtest during a test session.

Dr. Ward made a motion to adopt the Acting Superintendent of Public Instruction recommendation to approve the recommendation made by the Advisory Board on Teacher Education and Licensure of requiring individual scores of 235 (scaled score) on the reading and writing subtests or meeting the composite scaled score of 470 for the Virginia Communication and Literacy Assessment (VCLA). The motion was seconded by Dr. Jones and carried unanimously.

Dr. Elliott pointed out that the Advisory Board on Teacher Education and Licensure made its recommendations based on the following considerations:

- (1) Phase in the first series of cut scores at a lower rate and review the scores after two years based on test data results;
- (2) VCLA is a new test only used in Virginia, thereby prohibiting the opportunity to review test data from other states;
- (3) Test data from the first administration (January 7, 2006) may not be representative of the various groups who will be required to take the test; and
- (4) Colleges and universities and other providers of teacher education programs may need to adjust their curricula to focus on the objectives of the test.

Final Review of the Proposed Procedure for Appointment of a School Division Superintendent by the Virginia Board of Education Pursuant to Sections 22.1-60 and 22.1-61 of the Code of Virginia

Dr. Elliott also presented this item. Dr. Elliott said that the *Code of Virginia* provides the following requirements in the appointment of a school division superintendent by the Virginia Board of Education:

§ 22.1-60. Appointment and term of superintendent; certain contractual matters.

- A. The division superintendent of schools shall be appointed by the school board of the division from the entire list of eligibles certified by the State Board. All contract terms for superintendents shall expire on June 30. The division superintendent shall serve for an initial term of not less than two years nor more than four years. At the expiration of the initial term, the division superintendent shall be eligible to hold office for the term specified by the employing school board, not to exceed four years.

The division superintendent shall be appointed by the school board within 180 days after a vacancy occurs. In the event a school board appoints a division superintendent in accordance with the provisions of this section and the appointee seeks and is

granted release from such appointment prior to assuming office, the school board shall be granted a 60-day period from the time of release within which to make another appointment.

A school board that has not appointed a superintendent within 120 days of a vacancy shall submit a written report to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.

- B. No school board shall renegotiate a superintendent's contract during the period following the election or appointment of new members and the date such members are qualified and assume office.
- C. Whenever a superintendent's contract is being renegotiated, all members of the school board shall be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days notice. Each member's vote on the renegotiated contract shall be recorded in the minutes of the meeting. (Code 1950, §§ 22-32, 22-33; 1954, c. 638; 1958, c. 44; 1970, c. 155; 1971, Ex. Sess., c. 225; 1972, c. 434; 1980, c. 559; 1983, c. 145; 1989, c. 550; 1992, c. 164; 1996, c. 759; 2002, cc. 165, 374; 2003, c. 866.)

§ 22.1-61. When Board to appoint superintendent.

In the event that a school board fails to appoint a division superintendent within the time prescribed by § 22.1-60, the State Board shall appoint such division superintendent. (Code 1950, § 22-33; 1954, c. 638; 1972, c. 434; 1980, c. 559.)

Mr. Johnson made a motion to adopt the procedures for the appointment of a school division superintendent by the Virginia Board of Education. The motion was seconded by Dr. Jones and carried unanimously.

The procedures for appointment of a school division superintendent by the Virginia Board of Education are as follows:

Procedures for Appointment of a School
Division Superintendent by the Virginia Board of Education

In the event that a school board fails to appoint a division superintendent within the time prescribed by Sections 22.1-60 and 22-1-61 of the *Code of Virginia*, the Virginia Board of Education shall appoint the division superintendent. The proposed procedures for the appointment of such division superintendent by the Virginia Board of Education shall be as follows:

1. An individual appointed as a division superintendent must hold a valid division superintendent license issued by the Virginia Board of Education prior to the appointment.
2. The Virginia Board of Education shall appoint the division superintendent if the school board has not appointed the division superintendent within 180 (calendar) days after a vacancy occurs. However, in the event a school board appoints a division superintendent in accordance with the provisions of Section 22.1-60 of the *Code of Virginia* and the appointee seeks and is granted release from such appointment prior to assuming office, the school board shall be granted a 60-day period (calendar days) from the time of release within which to make another appointment.

3. A school board that has not appointed a superintendent within 120 (calendar) days of a vacancy shall submit a written report, containing at least a status report with a timeline for making the appointment prior to 180 (calendar) days, to the Superintendent of Public Instruction demonstrating its timely efforts to make an appointment.
4. The school board immediately shall notify the Virginia Board of Education, in writing, of its failure to appoint a division superintendent within the time prescribed by Section 22.1-60 of the *Code of Virginia*. Within 30 calendar days after the time prescribed by Section 22.1-60 of the *Code of Virginia* for the local school board to appoint the division superintendent, the school board must submit in writing its preferred candidate(s), not to exceed three, for the division superintendent position. The Virginia Board of Education may consider these candidates and other eligible individuals. The Virginia Board of Education may authorize the State Superintendent of Public Instruction to conduct the search for a division superintendent.
5. The Virginia Board of Education shall appoint a division superintendent, and the contract for the superintendent shall be negotiated by the school board.

Statewide Performance Report for Career and Technical Education and the Virginia Community College System, as a Sub-recipient of Perkins Funds from the Department of Education

Ms. Elizabeth Russell, director of career and technical education, and Ms. Elizabeth Creamer, director of postsecondary Perkins-Tech Prep., Virginia Community College System, presented this item. The federal Perkins Act requires that the results on the negotiated state-adjusted levels of performance for both secondary and postsecondary CTE be communicated to the board and other audiences. Each school division and the Virginia Community College System receives an annual report of performance.

Ms. Russell's report on career and technical education included the following:

A. Academic Achievement

Performance Standard: Eligible students (9-12 grades) who are enrolled in a career and technical course(s) and also in an academic course(s) for which a Standards of Learning end-of-course test(s) is/are required, will attain a passing score on the Standards of Learning end-of-course tests, contribute to the school's annual accreditation requirements based on the Accreditation Benchmarks, and contribute to annually improving the statewide baseline academic attainment average as determined for federal reporting.

Percent of Secondary Students Enrolled in Career and Technical Education Courses in Virginia who Passed the 2004-2005 Standards of Learning End-of-Course Tests

| Subject Area | Percent of Test Takers |
|--------------|---------------------------|
| English | 86.72% (61,187 of 70,558) |
| Mathematics | 81.33% (67,178 of 82,599) |
| History | 84.56% (76,927 of 90,973) |
| Science | 80.05% (65,643 of 82,005) |

Note: The Academic Achievement data in this report represent a sub-population of the total population of test takers and is based on the performance of students enrolled in Career and Technical Education courses in the state. These academic attainment data are completed solely for federal performance and reporting purposes. These data shall in no way be used in conjunction with or interpreted for a school's accreditation

status. The Board set the minimum acceptable pass rates required for a school to achieve the rating of Fully Accredited for:

| Year | English | Math | History/Social Sciences | Science |
|---------|---------|------|-------------------------|---------|
| 2004-05 | 70% | 70% | 70% | 70% |

B. Occupational Competence

Performance Standard: Ninety-four and three tenths percent (94.34%) of the career and technical education completers will attain 80 percent of the competencies on the locally validated competency lists.

Career and Technical Education Program Completers

| Completers who Attained 80% of the Competencies | Completers | Percent that Attained 80% of the Competencies |
|---|------------|---|
| 28,870 | 29,816 | 96.83% |

Note: A Career and Technical Education Program Completer is a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

Includes all completers from the comprehensive high schools and the Career and Technical Education local and regional centers.

C. Non-Traditional Career Preparation Enrollment

Performance Standard: The total enrollment rate in the state-identified courses for non-traditional career preparation of the gender that comprise less than 25 percent will be 13.07 percent.

| Non-Traditional Enrollment | Enrollment of Non-Traditional Courses | Percent of Non-Traditional Enrollment |
|----------------------------|---------------------------------------|---------------------------------------|
| 14,262 | 102,700 | 13.89% |

D. Non-Traditional Career Preparation Completion

Performance Standard: The total completion rate of the state-identified content areas for non-traditional career preparation of the gender that comprise less than 25 percent will be 9.88 percent.

| Non-Traditional Completers | Completers of Non-Traditional Programs | Percent of Non-Traditional Completers |
|----------------------------|--|---------------------------------------|
| 1,845 | 14,311 | 12.89% |

E. Secondary School Completion

Performance Standard: The completion rate for students in career and technical content areas, including the secondary component of Tech Prep programs, is 97.69 percent.

| c | c + d | Completion Rate |
|--------|--------|-----------------|
| 29,816 | 30,167 | 98.84% |

The Completion Rate was calculated using the number of completers (c) reported on the 2004-2005 Completer Demographics Report (CDR) and the number of dropouts (d) who completed a career and technical education program sequence or concentration as reported on the 2004-2005 Division Dropout Report. The formula is $c \div (c+d)$.

F. Diploma/Credential

Performance Standard: The rate in which students will earn either the Career and Technical Education Board of Education Diploma Seal or the Advanced Mathematics and Technology Board of Education Diploma Seal is to be determined.

Seal Attainment Rate

| Completers Who Earned at Least One Seal | Completers | Percent that Earned a Board Seal |
|---|------------|----------------------------------|
| 16,499 | 29,816 | 55.34% |

Note: Two hundred eighty-eight (288) combined and comprehensive high schools in 125 divisions awarded the Career and Technical Education or the Advanced Mathematics and Technology Board of Education Diploma Seals during the 2004-2005 school year. Data collected in 2000-2001, 2001-2002, 2002-2003, 2003-2004 and 2004-2005 to establish the state baseline for future negotiations with the United States Department of Education, Office of Vocational and Adult Education.

G. Transition

Performance Standard: Students who are career and technical completers/graduates will successfully transition at a combined rate of 92.81 percent from secondary school to employment, apprenticeship, military or other service, further education, or full-time equivalency of part-time combinations of transition indicators.

2004 Completer Response Rate

| Completers Who Transitioned | Completers Who Indicated Transition Status | Transition Rate |
|-----------------------------|--|-----------------|
| 19,784 | 20,817 | 95.04% |

2004 Completer Response Rate

| Completers Who Responded to the Survey | 2004 Completers | Completer Response Rate |
|--|-----------------|-------------------------|
| 20,817 | 26,833 | 77.44% |

Note: The target response rate for the 2005 Follow-Up of the 2004 Completers was 75 percent.

2004-2005 Statewide Performance Summary

| Standard | Met | Not Met |
|--------------------------------------|-----|---------|
| A. Academic Achievement | X | |
| B. Occupational Competence | X | |
| C. Non-Traditional Career Enrollment | X | |
| D. Non-Traditional Career Completion | X | |
| E. Secondary School Completion | X | |
| F. Diploma/Credential | — | — |
| G. Completer Transition Rate | X | |

Note: — The Performance Standard is not applicable for 2004-2005.

Ms. Elizabeth Creamer’s report on Virginia Community College System (VCCS) performance on Perkins core performance standards and measures consisted of the following:

For the 2004-2005 year, the VCCS exceeded all of the Perkins performance targets. The table below provides data on the VCCS actual performance on the seven performance measures compared to the VCCS target for that year.

| VCCS Performance On Perkins Performance Measures For 2004-2005 School Year | | | |
|---|-------------|-------------|------------|
| Performance Measure | VCCS Actual | VCCS Target | Target Met |
| Academic Skills Attainment (1P1) | 77.93 | 70.28 | ✓ |
| Technical Skills Attainment (1P2) | 86.28 | 83.2 | ✓ |
| Graduation (2P1) | 18.4 | 18.2 | ✓ |
| Employment/Further Study (3P1) | 74.18 | 70.3 | ✓ |
| Retention in Employment (3P2) | 93.62 | 89.83 | ✓ |
| Nontraditional Gender Representation in Enrollment (4P1) | 19.37 | 19.05 | ✓ |
| Nontraditional Gender Representation in Graduates (4P2) | 24.54 | 22.7 | ✓ |

This is the first year since Perkins measures were established in 2000 that VCCS has met all performance targets. Some factors that may have contributed to this success include the increased focus on performance by VCCS and the strong Virginia economy (specifically for the employment and retention measures).

Individual performance across the 23 community colleges varied. One college also met all of the performance targets. Fourteen met all but one or two targets and the remaining did not meet three or more targets.

National discussions are taking place to standardize the method of calculating Perkins performance measures. Currently, each state is allowed to define how it calculates the measures. VCCS and VDOE are actively involved in these discussions. It is expected that changes will be made to these measures in the coming years or with the reauthorization of Perkins (expected in 2007), which will affect future data.

Dr. Ward made a motion to accept the report and maintain it as a part of the Board of Education’s meeting records and that it be communicated to the audiences required by the Perkins legislation. The motion was seconded by Mrs. Saslaw and carried unanimously.

DISCUSSION OF CURRENT ISSUES

There was no discussion of current issues.

EXECUTIVE SESSION

Dr. Ward made a motion to go into executive session under Virginia Code 2.2-3711.A, specifically to discuss personnel matters involving identifiable employees and prospective employees. The motion was seconded by Mrs. Castro and carried unanimously. The Board adjourned for the Executive Session at 11 a.m.

Dr. Ward made a motion that the Board reconvene in open session. The motion was seconded by Dr. Jones and carried unanimously. The Board reconvened at 11:47 a.m.

Dr. Ward 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 by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board. The motion was seconded by Dr. Jones and carried unanimously.

Board Roll call:

| | |
|-------------------|--------------------|
| Mr. Johnson – yes | Mrs. Castro – Yes |
| Dr. Ward – yes | Mrs. Saslaw – Yes |
| Dr. Jones – yes | Dr. Emblidge – Yes |

Dr. Jones made the following motion: That the Board respond to the February 5, 2006, letter of Adrien Houston by permitting Mr. Houston to attend the Board's next meeting to respond to the summary of administrative proceeding, in accordance with the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously.

ADJOURNMENT

There being no further business of the Board of Education and the Board of Career and Technical Education, Dr. Emblidge adjourned the meeting at 11:51 a.m.

President

Secretary