

# Board of Education Agenda Item

Item: \_\_\_\_\_ M. \_\_\_\_\_

Date: April 22, 2010

**Topic:** First Review of a Request for Approval of an Innovative Program Opening Prior to Labor Day from Harrisonburg City Public Schools

**Presenter:** Ms. Anne Wescott, Assistant Superintendent for Policy and Communication  
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## Origin:

Topic presented for information only (no board action required)

Board review required by  
 State or federal law or regulation  
 Board of Education regulation  
 Other: \_\_\_\_\_

Action requested at this meeting

Action requested at future meeting: May 27, 2010

## Previous Review/Action:

No previous board review/action

Previous review/action  
date May 28, 2009  
action Approval of a similar request for an innovative program for Spotswood Elementary School and Waterman Elementary School

**Background Information:** The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, at 8 VAC 20-131-290.D, permit local school boards to seek approval to implement experimental or innovative programs that are not consistent with accreditation standards or other regulations promulgated by the Board. The request must contain information that includes, but is not limited to, a description of the program, the purpose and objectives of the program, the number of students affected, and anticipated outcomes and evaluation procedures for measuring student achievement.

Section 22.1-79.1 of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for "good cause."

The conditions under which the Board may grant such waivers are outlined in the *Code*. Part 3 of § 22.1-79.1.B permits the Board to approve a waiver for approval of an experimental or innovative program.

§ [22.1-79.1](#). Opening of the school year; approvals for certain alternative schedules.

A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement on a showing of good cause.

B. For purposes of this section, "good cause" means:

1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;
2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided; or
3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools....

For the 2009-2010 school year, 58 school divisions have been approved for emergency or weather-related reasons, 13 have one of more schools approved because of a dependent program, and five have one or more schools approved because of an innovative or experimental program. Of the five, four have year-round schools (Alexandria, Arlington, Danville, and Fairfax), and one, Covington City Public Schools, was approved by the Board in May 2008. Danville City Public Schools and Covington City Public Schools have some schools approved as dependent programs, and some as innovative or experimental programs.

On January 14, 2010, the Board approved a request for an innovative program from the Charlotte County School Board. The program, CASHE (Connecting All Students to Higher Education), was developed and implemented with the goal of having 100 percent of its graduates attending postsecondary education.

**Summary of Major Elements:** The Harrisonburg City School Board is requesting approval of an innovative program for Keister, Smithland, and Stone Spring Elementary Schools.

Harrisonburg City Public Schools participates in a seven-division consortium for preschool programs, which includes the Shenandoah Valley Head Start consortium, the Virginia Preschool Initiative (VPI), and early special education preschool. The other participating school divisions are Augusta County, Bath County, Highland County, Rockingham County, and the cities of Staunton and Waynesboro. All of the other school divisions, except for Staunton, which is also requesting a waiver from the Board of Education, have waivers to begin before Labor Day.

Both the Head Start and the VPI-funded classrooms are blended classrooms, and both serve students who are receiving Early Childhood Special Education Services. Augusta County Public Schools serves as the fiscal agent and employs all of the teachers in the Head Start consortium. The Head Start and VPI programs work together to coordinate services and share the same curriculum, use the same assessment system with a Web-based entry, provide the same staff development on the same days, have a joint Parent Policy Council, and have common business meetings. Having a common calendar promotes a more streamlined delivery of instruction, the coordination of services, and the sharing of resources.

On May 28, 2009, the Board approved a similar request for Spotswood and Waterman Elementary Schools. At that time, Keister and Smithland Elementary Schools had dependencies with neighboring school divisions for special education programs. Those dependencies no longer exist, as the special education programs are now housed in Harrisonburg Public Schools. Stone Spring Elementary School continues to have a dependency with a neighboring school division, but the Harrisonburg City School Board is requesting approval as an innovative program so that the school could open before Labor Day even if the dependency ceases to exist.

Approval of this request would permit these three schools to open prior to Labor Day. All other schools in Harrisonburg are eligible for a pre-Labor Day waiver because they meet the requirements of § 22.1-79.1.B.2 by having a dependent program shared with school divisions that qualify for a weather-related waiver.

A copy of the complete package submitted by the Harrisonburg City School Board is attached.

**Superintendent's Recommendation:** The Superintendent of Public Instruction recommends that the Board of Education accept for first review the request from Harrisonburg City Public Schools for an innovative program, pursuant to the provisions of §.22.1-79.1 of the *Code of Virginia*.

**Impact on Resources:** The impact on resources on the Department is not expected to be significant. There will be a fiscal and administrative burden on Harrisonburg City Schools if this request is not approved.

**Timetable for Further Review/Action:** The request will be presented to the Board of Education for final review and approval at the May 27, 2010 meeting. Upon approval by the Board of Education, Department of Education staff will notify the Superintendent of Harrisonburg City Public Schools that Keister, Smithland, and Stone Spring Elementary Schools are authorized to open prior to Labor Day in the 2010-2011 school year.