COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

January 7, 2004

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

Mr. Thomas M. Jackson, Jr., President
Mrs. Susan L. Genovese
Mr. Mark E. Emblidge
Mr. M. Scott Goodman
Mr. David L. Johnson
Mr. Thomas G. Johnson, Jr.
Dr. Gary L. Jones
Mrs. Ruby W. Rogers
Dr. Ella P. Ward

Dr. Jo Lynne DeMary,
Superintendent of Public Instruction

Mr. Jackson, President, presided and called the meeting to order at 9:00 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Dr. Ward made a motion to approve the minutes of the November 19, 2003, meeting of the Board. Mrs. Rogers seconded the motion that carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

AMENDMENT TO THE AGENDA

The following item was added to the agenda: *Proposed Legislation on Standards of Quality Enforcement*. The following items were moved to the consent agenda: *First Review of Nomination for Appointment to the State Special Education Advisory Committee (SSEAC)* and *First Review of a Nomination to the Virginia Advisory Committee for the Education of the Gifted for the 2003-2006 Term*.

CONSENT AGENDA

Dr. Ward made a motion to accept the following consent agenda. The motion was seconded by Mrs. Rogers and carried unanimously.

- First Review of Nomination for Appointment to the State Special Education Advisory Committee (SSEAC)

- First Review of a Nomination of the Virginia Advisory Committee for the Education of the Gifted for the 2003-2006 Term

First Review of Nomination for Appointment to the State Special Education Advisory Committee (SSEAC)

The Department of Education's recommendation to waive first review and appoint Ms. Cindy Mills to the State Special Education Advisory Committee was accepted by the Board of Education's vote on the consent agenda. Ms. Mills is the education director at The Barry Robinson Center in Norfolk, Virginia.

First Review of a Nomination of the Virginia Advisory Committee for the Education of the Gifted for the 2003-2006 Term

The Department of Education's recommendation to waive first review and appoint Mr. Clinton Estes to the Virginia Advisory Committee for the Education of the Gifted for the 2003-2006 term of service was accepted by the Board of Education's vote on the consent agenda. Mr. Estes is the coordinator of special services for Orange County Public Schools.

ACTION ITEMS

First Review of Proposed Revisions to the Regulations Governing Adult High School Programs (8 VAC 20-30-10 et seq.)

Dr. Yvonne V. Thayer, director of adult education and literacy, presented this item. Dr. Thayer said the adult high school program enables an adult to complete the required courses to earn a high school diploma, excluding health and physical education, by completing graduation requirements in effect when the individual entered the ninth grade. Adult high school programs employ licensed teachers and follow standard high school course requirements. The External Diploma Program (EDP) is a national program that allows adults who acquired their academic skills through life and work experience to demonstrate competence in an applied performance assessment process.

Dr. Thayer reviewed the following additions and changes to the proposed *Regulations Governing Adult High School Programs*:

1. Educational alternatives must be considered before enrolling a student in grades 9-12 in adult education classes.
2. "Other objective evidence" may be used in addition to testing to constitute sufficient evidence for one unit of credit in courses leading to high school credit.

3. The principal or superintendent may award credit in accordance with school board policies.
4. An adult student who completes all requirements for a board-approved diploma in effect at the time he will graduate shall be awarded the respective diploma.
5. The Board of Education may establish testing requirements and substitute assessment requirements for diplomas for adult students.
6. An adult high school diploma is established and awarded in either of two circumstances: (a) the adult has completed the requirements for a diploma that were in effect at the time he first entered the ninth grade or (b) the adult has completed the requirements of the External Diploma Program.
7. Adult high school programs shall have access to computer technology as well as library media and science laboratory facilities.

Dr. Ward made a motion to accept the proposed regulations for first review and authorize the Department of Education staff to proceed with the public comment procedures under the Administrative Process Act and the Executive Orders. The motion was seconded by Mrs. Rogers and carried unanimously. This action will initiate the 60-day public comment period.

First Review of Virginia's Proposed High Objective Uniform State Standard of Evaluation (HOUSSE) for Experienced Teachers

Dr. Thomas A. Elliott, assistant superintendent for teacher education and licensure, presented this item. Dr. Elliott said the *No Child Left Behind (NCLB) Act of 2001* requires all states and school divisions to ensure that all teachers of the core academic subjects are "highly qualified" by the end of the 2005-06 school year.

Dr. Elliott said the law applies to teachers in core academic areas that include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. The law requires that to be designated as highly qualified, new teachers must hold a bachelor's degree, full state licensure (including alternative licensure), and demonstrate subject-matter competence in the core academic subjects the teacher teaches.

Dr. Elliott said experienced teachers must meet requirements by the end of the 2005-06 school year to be designated as highly qualified. No Child Left Behind provides the following options for meeting the highly qualified definition: (a) passing a rigorous state academic subject matter test; or (b) completing an academic major, graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing in the case of middle or secondary school teachers; or (c) using the high objective uniform state standard of evaluation (HOUSSE).

The NCLB legislation allows states to establish a process of evaluating teacher knowledge and ability based on a high objective uniform state standard of evaluation that meets each of the following criteria [Section 9101(23)(c)(ii**)**]:

- Be set by the state for both grade-appropriate academic subject matter knowledge and teaching skills;
- Be aligned with challenging state academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
- Provide objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
- Be applied uniformly to all teachers in the same academic subject and teaching in the same grade level throughout the state;
- Take into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject; and
- Be made available to the public upon request.

Dr. Ward made a motion to receive the proposed High Objective Uniform State Standard of Evaluation (HOUSSE) for Virginia for first review. The motion was seconded by Mrs. Rogers and carried unanimously.

First Review of a Recommendation from the Advisory Board on Teacher Education and Licensure Regarding the Establishment of a Qualifying Score on the SAT as a Substitute Test for Praxis I

Mrs. Linda Kelly, chair of the advisory board on teacher education and licensure (ABTEL) presented this item. Mrs. Kelly said the 1980 session of the General Assembly mandated that the Board of Education identify and recommend an assessment for beginning teachers. In July 1, 1980, the Board of Education instituted a requirement that all beginning teachers applying for initial licensure submit scores for the National Teacher Examinations (NTE).

Mrs. Kelly said that in 1981 the Board authorized validation and standard-setting studies for the NTE to determine passing scores for initial licensure of entry-level teachers. From July 1, 1981, until June 30, 1986, applicants were required to take the NTE to receive a license. Qualifying scores were established and, effective July 1, 1986, each beginning teacher was required to submit passing scores for each of the three Core Battery tests (General Knowledge, Communication Skills, and Professional Knowledge) and the Specialty Area test in his/her teaching specialty. From 1981 to 1996 the prescribed assessment was the NTE.

Mrs. Kelly said that in the fall of 1993, the Educational Testing Service introduced the Praxis Series: Professional Assessments for Beginning Teachers. The Praxis Series replaced the NTE as the standardized examinations used in the process of licensing teachers. At its October 26, 1995, meeting, the Board of Education increased the recommended passing scores for the Praxis I PPST (Pre-Professional Skills Tests) and approved the following passing scores for Virginia: Reading – 178, Writing – 176, and Mathematics - 178

Mrs. Kelly said that these scores established by the Board of Education continue to be the highest qualifying scores for Praxis I among the 29 states (and the District of Columbia, Virgin Islands, Guam, and the Department of Defense Dependent Schools) using this assessment. The Board approved the use of Praxis I and II tests; however, Praxis III was not adopted for statewide use.

On April 26, 2001, the Board of Education approved a policy allowing a composite score to satisfy the Praxis I requirement. Individuals may meet the Praxis I assessment requirement by achieving the scores established by the Board of Education on October 26, 1995, on each of the three Praxis I tests – Writing, Reading, and Mathematics – or by achieving an established composite score on all three tests. The qualifying scores for each of the individual tests and the composite score for the PPST are listed below.

VIRGINIA'S PRAXIS QUALIFYING SCORES

Praxis I	Reading	Writing	Mathematics	Composite Score
PPST	178	176	178	532

Mrs. Kelly said that the Advisory Board on Teacher Education and Licensure has considered recommending the SAT® as a substitute test for the Praxis I (Reading, Writing, and Mathematics) requirement for initial licensure in Virginia for consideration by the Board of Education.

The SAT® score scale was revised in April of 1995. SAT® scores earned before that time are not directly comparable to those earned since April 1995. At least three states use the SAT® as a substitute test for Praxis I – Connecticut, Delaware, and Georgia.

Mrs. Rogers made a motion to waive first review and approve the SAT® as a substitute Test for Praxis I. The motion was seconded by Dr. Ward and carried unanimously. The Department of Education, in consultation with ABTEL, will propose a qualifying score at the February 25, 2004, meeting of the Board of Education. Mr. Jackson requested that Dr. Elliott mail a copy of the relevant comparability study to all Board members prior to the next meeting.

First Review of a Recommendation from the Advisory Board on Teacher Education and Licensure Regarding the Establishment of an Appeals Process for Praxis I

Mrs. Kelly also presented this item. Mrs. Kelly said that the Advisory Board on Teacher Education and Licensure recommends that an appeals process for Praxis I be established by the Board of Education. The advisory board recommends that the Board of Education consider the following criteria as guidance in developing the policy:

1. The appeals process would be considered for individuals within one standard error of measurement on only one Praxis I subtests (Mathematics, Reading, and Writing);

2. The individual must have completed at least one year of successful teaching experience in Virginia under a provisional license issued by the Board of Education;
3. The recommendation for the appeal must be documented and submitted by a Virginia superintendent or director of an accredited nonpublic school;
4. The documentation must demonstrate that the individual has taken the Praxis I assessments and not passed them at least three times, and that appropriate tutorial assistance occurred between test administrations; and
5. The appeals must be presented to the Board of Education or a designated panel on a schedule it establishes.

Dr. Jones made a motion for ETS to revalidate Virginia's Praxis I cut scores. The motion was seconded by Mrs. Rogers and carried unanimously. Dr. Ward wants the study to also include the number of applicants affected by the Praxis I cut scores.

Mrs. Genovese made a motion to continue the discussion regarding the establishment of an appeals process for Praxis I at the February meeting. The motion was seconded by Mrs. Rogers and carried with a vote of six to three.

First Review of Additions to the Board-Approved List of Supplemental Educational Services Providers Under the No Child Left Behind Act of 2001

Mrs. Brenda Spencer, Title I specialist, office of program administration and accountability, presented this item. Mrs. Spencer said the *No Child Left Behind Act of 2001* (NCLB) requires Title I schools that do not meet the state's Adequate Yearly Progress (AYP) targets for three consecutive years in the same subject area to offer a choice of supplemental educational services to parents of eligible children.

Mrs. Spencer said the *No Child Left Behind Act of 2001* requires states to identify and maintain a list of supplemental educational services providers. Supplemental educational services are tutoring and academic enrichment services that are provided in addition to daily instruction and that are provided outside of the regular school day. A supplemental educational service provider can be a non-profit entity, a for-profit agency, or another school division. The services must be of high quality, research-based, and specifically designed to increase the academic achievement of eligible children in mastering the English and Mathematics Standards of Learning and in earning proficiency on Standards of Learning tests. NCLB requires that states maintain an approved list of supplemental educational services providers across the state and by school division from which parents can select.

Mrs. Spencer presented the following companies to be added to Virginia's Board-approved list.

Name of Provider	Contact Information	Focus and Grade Levels	School Divisions Provider Can Serve (or service areas)
Club Z! In-House Tutoring Services of Virginia *15310 Amberly Drive* Corporate Office, Suite 185 Tampa, FL 33647	Carolyn Walden phone: 800-434-2582 fax: 813-932-2485 e-mail: corporate@clubztutoring.com Web site: www.clubztutoring.com	All subjects Focus English, Reading, Mathematics K-12	All divisions
KnowledgePoints *1252 Crystal Lake Circle* Virginia Beach, VA 23451	Mark E. Malone phone: 757-641-5535 fax: 757-491-0811 e-mail: Mark.E.Malone@att.net Web site: www.Ylearning.com	Reading, Mathematics K-10	South Hampton Roads

Mr. Goodman made a motion to waive first review and add the two providers to the board-approved list. The motion was seconded by Dr. Ward and carried unanimously.

First Review of Revision to Criteria and Process for Adoption of Instructional Models/Programs that include Instructional Methods to Satisfy Provisions in Regulations Establishing Accrediting Standards for Public Schools in Virginia

Dr. Patricia Wright, assistant superintendent for instruction, presented this item. Dr. Wright said the *Regulations Establishing Accrediting Standards for Public Schools in Virginia* (SOA) require schools accredited with warning in English or mathematics to adopt and implement instructional methods that have a proven track record of success at raising student achievement.

Dr. Wright said that at the January 6, 2003, Board of Education meeting, revisions to the criteria for identifying and selecting models/programs that include instructional methods as provided in 8 VAC 20-131-310 B-E were approved. The revisions are based on the *No Child Left Behind Act of 2001(NCLB)* emphasis on the use of scientifically-based research as a criteria for evaluating programs, particularly those programs purchased with federal funds. The revised criteria are:

Criteria for Recommended Models/Programs:

1. Scientifically-based evidence of effectiveness: The effectiveness of models/programs is justified based on scientific research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge on the models/programs. The major components of the

model/program include instructional methods and practices that have been verified through scientifically based research. The research that documents improvement in student achievement has presented convincing evidence that the observed results were based on the model/program intervention. The model's/program's effectiveness in improving student achievement has been demonstrated in Virginia and is based on effective research-based strategies. Gains in student achievement on Virginia's Standards of Learning tests have been sustained over time.

2. Implementation and capacity for technical assistance: The model/program has explained the essential ingredients necessary to make the program fully operational, including estimates of the costs, with respect to time and money, and the requirements for implementation. The program managers have described in detail their capacity, in terms of technical assistance, to provide the staff development, consultation, and support necessary for successful implementation in a number of Virginia schools.

3. Replicability: The model/program effectiveness has been demonstrated through multiple investigations in numerous locations with low-achieving students.

4. Correlation with or adaptability to the Virginia Standards of Learning in English or mathematics: The content of the model/program correlates with the Virginia Standards of Learning in English or mathematics or the model/program can be adapted to the Virginia Standards of Learning.

Disclaimers:

1. Recommendation of instructional methods or models/programs with a proven track record is not intended as a guarantee that the program will be successful as implemented in a particular school. Prior to or concurrently with adopting any model/program, a school is expected to align its curriculum with the Standards of Learning. School divisions are permitted to choose instructional methods or models/programs that are not recommended so long as they meet the Board of Education's criteria.

2. Some of the instructional models/programs have an associated textbook that may not be on the list of instructional materials reviewed or recommended as part of the state textbook adoption process. Recommendation of a model or instructional method should not be interpreted as endorsement of the associated textbook materials. Before adopting any model/program with associated materials, the school should determine whether there is sufficient Standards of Learning correlation for the grade level or course where the method will be used.

3. Products and services on the list may not be available in all areas of the commonwealth. School divisions are responsible for negotiating contracts with vendors for products or services.

Dr. Wright said that school divisions are permitted to choose instructional methods or models/programs that are not recommended so long as they meet the Board of Education's criteria. This provision was included in the initial development of the instructions for school divisions to use when selecting a method or model/program. School divisions that had a model in place or had a desire to use models other than those on the Board-approved list could choose to use them with no department input.

As a result of academic reviews and other technical assistance visits to school divisions, reviewers have determined that some methods or models/programs selected or developed locally may not meet the criteria approved by the Board. To assist schools accredited with warning in English or mathematics in selecting models that meet the board's criteria, the department recommends a revision in Disclaimer No. 1 as follows:

Disclaimers:

1. Recommendation of instructional methods or models/programs with a proven track record is not intended as a guarantee that the program will be successful as implemented in a particular school. Prior to or concurrently with adopting any model/program, a school is expected to align its curriculum with the Standards of Learning. School divisions are permitted to choose instructional methods or models/programs that are not recommended so long as they meet the Board of Education's criteria. School divisions selecting this option must submit for approval, on forms provided by the Department of Education, documentation that the instructional methods or models/programs chosen meet the board's criteria prior to implementation.

Mrs. Rogers made a motion to accept for first review the proposed revision to the criteria and process for adopting instructional methods or models/program. The motion was seconded by Mrs. Genovese and carried unanimously.

Final Review of the Division-Level Academic Review Process

Action on this item was deferred until the March Board meeting.

Final Review of Standards for School Counseling Programs in Virginia Public Schools

Dr. Sylinda Gilchrist, school-counseling specialist, presented this item. Dr. Gilchrist said that under the leadership of the Board of Education and the Department of Education, a team of school counselors convened to prepare revised *Standards for School Counseling Programs in Virginia Public Schools.* Mrs. Genovese worked with the writing team to develop the revised standards.

Dr. Gilchrist said that the *Standards for School Counseling Programs in Virginia Public Schools* are arranged in three domains: academic development, career development, and personal/social development and in four grade groups: Kindergarten - 3rd, 4th and 5th, 6th - 8th, and 9th - 12th. Public comments were received from October 17, 2003, to November 26, 2003.

Mrs. Genovese made a motion to adopt *the Standards for School Counseling Programs in Virginia Public Schools*. The motion was seconded by Mrs. Rogers and carried unanimously. The Department of Education will disseminate the standards to school divisions and provide technical assistance with the implementation.

Final Review of K-5 Reading Textbooks for State Adoption

Dr. Beverly Thurston, textbook and instructional material coordinator, office of middle instructional services, presented this item. Dr. Thurston said that the Board of Education's authority for approving textbooks and other instructional materials is prescribed in the Virginia Constitution and in the Code of Virginia. The Board of Education's *Regulations Governing Textbook Adoption* (8VAC 20-220-30) specifies the types of materials that may be adopted.

In June 2003, committees of Virginia educators received K-5 reading textbooks and Standards of Learning textbook correlations from publishers. Members of these committees conducted individual analyses of the materials prior to meeting with the full committee. In July 2003, the committees convened in Richmond to reach consensus on their reviews of the submitted materials. The team consensus evaluations were shared with publishers, and publishers were given an opportunity to respond to the committees' reviews and recommendations. Requests by publishers for reconsideration were examined carefully prior to the list being submitted to the Board of Education for first review.

Following the October 22, 2003, Board of Education meeting, the public was invited to review the textbooks and instructional materials submitted for adoption. The Department of Education published a list of review sites around the state as well as the recommended list and a review form. The deadline for submission of public comments was December 8, 2003. No comments were received.

Mr. Goodman made a motion to accept for final review and approve the list of K-5 reading textbooks recommended for state adoption. The motion was seconded by Mrs. Genovese and carried unanimously. The Department of Education will publish the list of adopted K-5 reading textbooks with bid prices. In June 2004, the Department of Education will complete six-year contracts with publishers that will be effective July 1, 2004.

Final Review of Science Textbooks and Instructional Materials for State Adoption

Dr. Thurston also presented this item. Dr. Thurston said that in June 2003, committees of Virginia educators received K-12 science textbooks and Standards of Learning textbook correlations from publishers. Members of these committees conducted individual analyses of the materials prior to meeting with the full committee.

Following the October 22, 2003, Board of Education meeting, the public was invited to review the textbooks and instructional materials submitted for adoption. The Department of Education published a list of review sites around the state as well as the recommended list and a review form. The deadline for submission of public comments was December 8, 2003.

Two public comments were received during the public comment period. One comment was regarding the possibility of including another physics textbook for submission. The second comment was from a teacher who reviewed the elementary materials. The teacher agreed with the Review Committee's recommendation.

Mr. Goodman made a motion to accept for final review and approve the list of science textbooks and instructional materials recommended for state adoption. The motion was seconded by Mrs. Genovese and carried unanimously. The Department of Education will publish the list of adopted instructional materials with bid prices. In June 2004, the Department of Education will complete six-year contracts with publishers that will be effective July 1, 2004.

Report on PASS Initiative Status

Dr. Jim Heywood, director of office of school improvement, presented this topic. Dr. Heywood said that on July 11, 2002, Governor Warner launched the PASS (Partnership for Achieving Successful Schools) Initiative that provides technical assistance to schools accredited with warning. Dr. Heywood reported the following:

- The last update was provided in May 2003. Since that time, the spring 2003 SOL test results, the accreditation status and the AYP status of the schools participating in PASS has been received.

- Significant progress has been made among the most challenged schools, many of whom reside in school divisions that are also among the most challenged, as noted in the JLARC report to the board subcommittee on low-performing school divisions.

- Thirty-four Title I schools in 2001-02 were warned in English and/or mathematics and fell into federal school improvement status. Thirty-two of the 34 schools chose to participate in the PASS Initiative: The 2003 student performance results indicate:

- ✓ 16% (5) of the PASS schools are "fully accredited"
- ✓ Only 4 are still warned in either English or math or both (one school is warned in both)
- ✓ 78% (25) improved their English scores (some by 37% to 98% passing-Woodrow Wilson in Danville)
- ✓ 91% improved in mathematics (some by 56%-to 100% passing-Jeter Watson in Covington)
- ✓ 40% of the PASS schools had greater than 70% pass rates in English
- ✓ 53% of the PASS schools had greater than 70% pass rates in mathematics
- ✓ 22% (7) met AYP

Dr. Heywood said this is a good beginning, but the schools have a long way to go. Already the influence of the challenges faced by high poverty schools has begun to be felt (i.e., retaining quality staff). Several strong teachers in PASS schools that had good SOL scores have left. Dr. Heywood said, in some cases, they have been replaced by teachers not nearly as strong. The challenge is to not only maintain these gains but build upon them as well. Dr. Heywood said sustained gains over time are the true test of success.

To help schools and school divisions build the capacity to sustain the gains, PASS has asked school divisions to make several changes in 2003-04.

- ✓ For the 2003-04 school year, the school divisions participating in PASS have agreed, through a *Memorandum of Agreement*, to implement several program changes which we believe will enable them to move toward achieving the "Effective Practices of High Performing School Divisions" that have been outlined in numerous reports such as the JLARC report and the Great Cities Schools studies.

- ✓ Sample best practices from the JLARC report (incomplete list) and the changes PASS schools have agreed to make to move in the direction of the best practices are:

<u>Strong and stable principal leadership</u>

- ✓ The Governor has sponsored an Urban Leadership Conference in the summer for all PASS principals. The Office of School Improvement is providing monthly staff development for PASS principals. The Office has also arranged with Old Dominion University to provide a NASSP model principals' assessment center to enable all PASS principals to receive a profile of their professional strengths and areas for growth. The PASS superintendents have agreed to require all PASS principals to attend this assessment center.

- ✓ Each PASS school division has agreed to hold a face-to-face quarterly review of the principal's progress on the goals in the School Improvement Plan and implementation of the Essential Actions of any previous academic review.

Aligned curriculum and pacing

- ✓ All PASS schools have agreed to use the same English and mathematics Curriculum Framework, provided by the Department of Education, the same PASS pacing guide and a common series of PASS nine-weeks' tests based on the pacing guide.

Effective academic remediation

- ✓ The PASS nine-weeks' tests provide not only a monitoring tool for program alignment but more importantly provide a measure of student progress that enables each teacher to identify students who are falling behind each nine weeks. The PASS schools have agreed to implement a remediation program within one week of the nine weeks assessment for all students who fail the test.

- ✓ In addition, all PASS elementary schools have funded and implemented the research-based tutoring programs *Book Buddies* and *Math Buddies* to help struggling students. All PASS schools have also agreed to fund a lead remediation teacher who coordinates the myriad of remediation programs that are often present in these schools.

Data Driven Assessment of student weaknesses and teacher effectiveness

- ✓ Each PASS school has been trained in disaggregating and analyzing both Standards of Learning tests data and nine weeks PASS test data. They have also agreed to fund a lead data teacher in each school who can focus on analyzing the data and assist teachers in interpreting it.

Dr. Heywood said additional examples could have been provided, but these highlights were used to assure Board members that the expectations of the PASS initiative and recommended program modifications are consistent with the research and findings of both state and national reports.

As a measure of the difficulty of the task, a Fordham Foundation report analyzed the results of several states' efforts to improve low-performing schools and found, on average a success rate of 52%.

The Board accepted the report and thanked Dr. Heywood for his hard work.

First Review of Legislation on SOQ Enforcement

Mr. Jackson presented this item. He explained that the proposal was reviewed the previous day (January 6) in the meeting of the Committee on Lowest Performing School Systems, which is chaired by Mr. Emblidge. Mr. Jackson explained that the proposed legislation, if approved by the Board of Education, would be forwarded for consideration by the 2004 Session of the General Assembly. In summary, the proposed legislation modifies the current school corrective action plan process within the Standards of Quality to (i) authorize the Board of Education to require an academic review, consistent with criteria to be established by the Board, of any school division within which there are

schools that have not achieved such full accreditation; (ii) require the reviewed school division to submit for approval by the Board a corrective action plan setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status; (iii) add such corrective action plans to relevant school division's six-year improvement plan; and (iv) allow the Board to pursue circuit court enforcement of the development or implementation of such plans by noncompliant school divisions.

Mr. Jackson pointed out that the proposal also would amend the Administrative Process Act to provide an exemption for the determination of accreditation or academic review status of a public school or public school division or Board approval of a school division corrective action plan. In addition, the proposed legislation includes a second enactment clause that directs the Board to promulgate regulations to implement the act to be effective within 280 days of its enactment.

Mr. Jackson described the intent of the proposed legislation as follows:

- The legislation would provide an additional means of improving instruction for children in chronically low-performing school divisions. The Board's goal is to ensure that each school division is high performing and that all public schools in Virginia are fully accredited. It is not meant to undermine the authority of division superintendents or school boards.

- The legislation would require school boards to maintain schools that are fully accredited and strengthen the authority of the Board and the Department of Education to conduct academic reviews of divisions with schools that are on academic warning or have been denied accreditation because of low student achievement. The division-level academic reviews would be similar to the reviews the department currently performs on schools that are on the commonwealth's academic warning list.

- The proposal would require chronically low-performing school divisions to develop corrective action plans to raise achievement and submit the plans for Board approval. If a division failed to develop or refused to implement a plan in a timely or satisfactory manner, or if the plan is not approved by the Board of Education, the Board would have the authority to petition the circuit court with jurisdiction over the school division to compel compliance and implementation.

- In seeking an order of compliance, the Board would not be "forcing its way" on a school division. Rather, the Board would be seeking the school division's cooperation in the implementation of a plan developed by the school division and approved by the local school board and the Board of Education.

- The criteria for identifying school divisions subject to this enforcement provision would be established by the Board of Education as regulations. It is not the intent of the Board to review or take to court every school division that has a school or schools that are not fully accredited. The proposal is meant to

provide a method of enforcing an agreement between the Board and a school division that is unable or unwilling to implement policies and practices that improve student learning and achievement. Any regulations would be developed with on-going participation and advice from local officials and organizations such as VSBA.

- The role of the judiciary in the proposal would minimize the potential of abuse by future state boards. A school division that is the subject of a petition will have an opportunity to demonstrate its compliance with a corrective action plan before a circuit court judge as well as appeal to a higher court any judicial action it views as unfavorable.

Mr. Jackson opened the floor for discussion and asked Deborah L. Feild, Esq., assistant attorney general, to advise the Board on the wording of certain provisions. Following the discussion, Mr. Emblidge made a motion to adopt the changes suggested by the Attorney General's office. The motion was seconded by Mr. Johnson and carried unanimously.

Mrs. Rogers made a motion to approve the proposal and present it to the General Assembly. The motion was seconded by Mrs. Genovese and carried unanimously.

PUBLIC COMMENT

The following persons spoke during public comment:

Lila Wise
Roxanne Grossman

DISCUSSION OF CURRENT ISSUES

Mr. Jackson introduced the ETS representative, Mr. Tim Isaacs to Board members. Mr. Isaacs stated that ETS will be pleased to work with the Board of Education to produce the study that the Board discussed earlier in the meeting.

The Board met for dinner at the Crowne Plaza Hotel on January 6, 2004. Present were: Mr. Jackson, Mrs. Genovese, Mr. Emblidge, Mr. Goodman, Mr. David Johnson, Mr. Thomas Johnson, Dr. Jones, Mrs. Rogers and Dr. Ward. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

EXECUTIVE SESSION

Mrs. Genovese made a motion to go into executive session under Virginia Code Section 2.2-400.A.1, specifically to discuss personnel matters related to licensure. The

motion was seconded by Dr. Ward and carried unanimously. The Board adjourned for the Executive Session at 11:40 a.m.

Mrs. Genovese made a motion that the Board reconvene in open session. The motion was seconded by Dr. Ward and carried unanimously. The Board reconvened at 12:00 p.m.

Mrs. Genovese 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 Mrs. Rogers and carried unanimously.

Board Roll call:

Mr. Thomas Johnson – yes
Mr. Goodman – yes
Mrs. Rogers – yes
Mrs. Genovese – yes
Mr. Emblidge – yes
Dr. Ward – yes
Mr. David Johnson – yes
Mr. Jackson – yes

Mrs. Genovese made the following motions:

Case #1 – That the Board denies issuance of license. Mr. Goodman seconded the motion and it carried unanimously.

Case #2 – That the Board recommends issuance of license. Dr. Ward seconded the motion and it carried unanimously.

Case #3 – That the Board recommends issuance of conditional license. Mrs. Rogers seconded the motion and it carried unanimously.

Case #4 – That the Board recommend license upon completion of requirements. Dr. Ward seconded the motion and it carried unanimously.

Case #5 – That the Board revoke the license. Dr. Ward seconded the motion and it carried unanimously.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Jackson adjourned the meeting at 12:10 p.m.

Immediately upon adjournment, Mr. Jackson convened two public hearings. Mr. Jackson convened the public hearings at 12:11 p.m.

PUBLIC HEARING ON PROPOSED BOARD OF EDUCATION REGULATIONS

Proposed Regulations Governing Driver Education

No one spoke during public comment.

Proposed Regulations Governing the Operation of Private Day Schools for Students with Disabilities.

The following person spoke during public comment: Jeanne Knieriemen. Mr. Jackson adjourned the hearing at 12:15 p.m.

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President

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Secretary