

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

July 23, 2015

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

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

Mr. James H. Dillard
Mrs. Darla Edwards
Mrs. Elizabeth V. Lodal

Dr. Steven R. Staples, Superintendent of
Public Instruction

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

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

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

ELECTION OF THE OFFICE OF PRESIDENT AND VICE PRESIDENT OF THE BOARD OF EDUCATION, 2015-2017

Dr. Staples presided over the election for the Office of President and asked for nominations. Mr. Dillard made a motion to nominate Dr. Cannaday as President. The motion was seconded by Mrs. Atkinson. With no further nominations, the floor was closed for nominations of President. The Board voted unanimously, in a roll call vote, for Dr. Cannaday as President of the Board of Education. After the vote, Dr. Cannaday presided over the meeting.

Dr. Cannaday asked for nominations for the Office of Vice President. Mrs. Atkinson made a motion to nominate Mrs. Wodiska as Vice President. The motion was seconded by Mrs. Lodal. With no further nominations, the floor was closed for nominations of Vice President. The Board voted unanimously, in a roll call vote, for Mrs. Wodiska as Vice President of the Board of Education.

APPROVAL OF MINUTES

Mrs. Lodal made a motion to approve the minutes of the June 25, 2015, meeting of Board. The motion was seconded by Dr. Baysal and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

PUBLIC COMMENT

The following persons spoke during public comment:

- Dr. David Myers, spoke on revisions to the state report card
- Dr. Linda Reviea, spoke on revision to the state report card
- Kandis Lucas, spoke on special education advocacy
- Douglas Garcia, spoke on high school equivalency examinations

CONSENT AGENDA

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

Final Review of Financial Report on Literary Fund

With the Board's approval of the consent agenda, the Board approved the financial report (including all statements) on the status of the Literary Fund as of March 31, 2015.

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

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

- To the extent funds are available; a recommendation for initial release of funds is presented for projects currently on the First Priority Waiting List or otherwise eligible for priority funding. To the extent funds are not available, new requests for the initial release of Literary Funds cannot be approved. As a result, such requests must be deferred and placed on either the First or Second Priority Waiting List in accordance with the Literary Fund regulations.
- Four items require action by the Board of Education:
 1. Warren County submitted a letter dated May 12, 2015, requesting that the Luray Avenue Middle School project be removed from the First Priority Waiting List. Other funding sources were obtained to complete this project.
 2. Grayson County submitted a letter dated May 14, 2015, requesting that the West Grayson Elementary School and Fries Elementary School projects be removed from the First Priority Waiting List. The county is currently locked into an alternative financing option for these two facilities.
 3. Fluvanna County submitted a letter dated May 13, 2015, requesting that the Fluvanna County High School project be removed from the First Priority Waiting List. This project has been completed with other funding sources.

4. Nottoway County submitted a letter dated May 26, 2015, requesting that the Blackstone Primary School project, the Crew Primary School project, and the Burkeville Elementary School project be removed from the First Priority Waiting List. All three gymnasiums have been built and funded through other sources.

Final Review of Revisions to the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents

With the Board's approval of the consent agenda, the Board approved proposed revisions to the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents* and authorized the Department of Education staff to make technical amendments, if needed.

ACTION/DISCUSSION ITEMS

Final Review of Proposed Amendments to the Regulations Establishing the Standards for Accrediting Public School in Virginia (8 VAC 201-131) to Comport with Legislation Passed by the General Assembly under the Fast Track Provisions of the Administrative Process Act

Dr. Cynthia Cave, assistant superintendent for policy and communications, presented this item. Dr. Cave's presentation included the following:

- On June 27, 2013, the Board of Education approved a Notice of Intended Regulatory Action (NOIRA) for amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, and, on October 24, 2013, the Board approved amendments to the regulations (Proposed Stage) addressing legislation from the 2012 and 2013 General Assembly, and one bill from 1999. However, on November 20, 2014, the Board withdrew the proposed regulations in favor of conducting a more comprehensive review in 2015.
- While the Board of Education is conducting a comprehensive review of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131), the Board is initiating this separate fast track regulatory action for the sole purpose of addressing legislation that was approved by the General Assembly during the 2012, 2013, 2014 and 2015 sessions, and one bill approved by the General Assembly in 1999. The following bills affect the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation):
 - ✓ HB 642 and SB 514 (2012) add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
 - ✓ HB 1107 and SB 656 (2012) require local school boards to adopt and implement policies for the possession and administration of epinephrine in every school.
 - ✓ SB 889 (1999) requires school boards to ensure that at least two employees have been trained in the administration of insulin and glucagon in school buildings with an instructional and administrative staff of ten or more, if one or more students diagnosed as having diabetes attend the school. When there are fewer than ten such staff members, school boards shall ensure that at least one employee has been trained if one or more students with diabetes attend the school.

- ✓ HB 2028 and SB 986 (2013) require students, beginning with the ninth-grade class of 2016-2017, to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators to be awarded a Standard or an Advanced Studies Diploma.
- ✓ HB 2344 (2013) requires each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community.
- ✓ HB 2346 (2013) requires at least two lockdown drills every year, one in September and one in January.
- ✓ HB 1007 (2014) replaces references throughout the *Code of Virginia* to a General Educational Development (GED) program or test with “a high school equivalency examination approved by the Board of Education” or a “high school equivalency preparation program.”
- ✓ SB 1236 (2015) eliminates the term “Special Diploma” and replaces it with the term “Applied Studies Diploma.”
- ✓ HB 1338 (2015) requires the Virginia Department of Education (VDOE), for the purposes of the School Performance Report Card, to include, as part of instructional costs, each school division's expenditures on the hardware necessary to support electronic textbooks. No additional language is added to the SOA since this is a change in formula for calculation of the item instructional costs shown at the division level on the School Performance Report Card.
- ✓ HB 1351 and SB 916 (2015) direct the Board to establish criteria for awarding a diploma seal of biliteracy and require the Board to establish criteria for awarding it in time for any student graduating from a public high school in the Commonwealth in 2016 to be awarded such a diploma seal.
- ✓ HB 1490 and SB 874 (2015) require the Board to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning (SOL) test, with the exception of the writing SOL tests, to each student regardless of grade level or course.
- ✓ HB 1675 and SB 982 (2015) permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant SOL.
- ✓ HB 1873 and SB 1320 (2015) require the Board to amend the Standards of Accreditation by the 2016-2017 school year to establish additional accreditation ratings that recognize the progress of schools and student growth.
- ✓ HB 2276 (2015) creates an alternative, under certain circumstances, to the current requirement that, in order to receive a standard diploma, a student must earn a Career and Technical Education (CTE) credential.
- ✓ HB 2318 (2015) requires the Board, for the purposes of the Standards of Accreditation, to use a graduation rate that excludes any student who fails to graduate because he or she is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. Note: This bill will become effective on July 1, 2016.
- ✓ SB 821 (2015) abolished the Opportunity Education Institution (OEI) required by legislation passed in 2013. No reference is made to the OEI in the current Standards of Accreditation.

- The following sections of the SOA will be amended as described in the chart below:

| Part | Section | Proposed Change |
|--|--|--|
| Part I: Definitions and Purpose | 8 VAC20-131-5 Page 2 | The revision eliminates the term “Special Diploma” and replaces it with the term “Applied Studies Diploma.” SB 1236 (2015). |
| Part II: Philosophy, Goals, and Objectives | | |
| Part III: Student Achievement | 8 VAC 20-131-30 Page 6 | The revision requires the Board to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning tests, with the exception of the writing SOL tests, to each student regardless of grade level or course. HB 1490 and SB 874 (2015). |
| | 8 VAC 20-131-50 Page 10 8 VAC 20-131-60 Page 12 | Beginning with the ninth-grade class of 2016-2017, in order to be to be awarded a Standard or an Advanced Studies Diploma, students are to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. HB 2028 and SB 986 (2013). |
| | 8 VAC 20-131-50 Page 13 | The amendment replaces the term General Educational Development (GED) program or test with "a high school equivalency examination approved by the Board of Education" or “a high school equivalency preparation program.” HB 1007 (2014). |
| | 8 VAC 20-131-50 Page 14 | The revision requires the Board to establish criteria for awarding a diploma seal of biliteracy in time for any student graduating from a public high school in 2016 to be awarded such a diploma seal. HB 1351 and SB 916 (2015). |
| | 8 VAC 20-131-50 Page 9-10 | The revision creates an alternative when a Career and Technical Education (CTE) credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency. Under such circumstances, the student must receive competency-based instruction in the subject area to satisfy the standard diploma requirements. HB 2276 (2015). |
| | 8 VAC 20-131-50 Page 12 8 VAC 20-131-60 Page 16 | The revision eliminates the term “Special Diploma” and replaces it with the term “Applied Studies Diploma.” SB 1236 (2015). |
| Part IV: School Instructional Program | 8 VAC 20-131-100 Pages 22-23 | The revision permits local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board of Education with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning. HB 1675 and SB 982 (2015). |
| Part V: School and Instructional Leadership | | |
| Part VI: School Facilities and Safety | 8 VAC 20-131-260 Page 33 | In school buildings with an instructional and administrative staff of 10 or more, school boards shall ensure that at least three employees have current certification or training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of an |

| Part | Section | Proposed Change |
|--|---------------------------------|--|
| | | automated external defibrillator (AED). In school buildings with an instructional and administrative staff of fewer than 10, school boards shall ensure that at least two employees have current certification or training in emergency first aid, CPR, and the use of an AED. HB 2028 and SB 986 (2013). |
| | 8 VAC 20-131-260 Page 33 | In school buildings with an instructional and administrative staff of 10 or more, school boards shall ensure that at least two employees have been trained in the administration of insulin and glucagon, if one or more students diagnosed as having diabetes attend such school. In school buildings with an instructional and administrative staff of fewer than 10, school boards shall ensure that at least one employee has been trained in the administration of insulin and glucagon if one or more students diagnosed as having diabetes attend such school. SB 889 (1999). |
| | 8 VAC 20-131-260 Page 33 | This revision will require local school boards to adopt and implement policies for the possession and administration of epinephrine in every school. HB 1107 and SB 656 (2012). |
| | 8 VAC 20-131-260 Page 32 | This revision requires each school to have a school threat assessment team. The threat assessment teams shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community. HB 2344 (2013). |
| | 8 VAC 20-131-260 Page 32 | The amendment requires at least two lockdown drills every year, one in September and one in January. HB 2346 (2013). |
| Part VII: School and Community Communications | 8 VAC 20-131-260 Page 35 | The amendment replaces the term General Educational Development (GED) program or test with "a high school equivalency examination approved by the Board of Education" or "a high school equivalency preparation program." HB 1007 (2014). |
| Part VIII: School Accreditation | 8 VAC 20-131-280 Page 36 | The amendment replaces the term General Educational Development (GED) program or test with "a high school equivalency examination approved by the Board of Education" or "a high school equivalency preparation program." HB 1007 (2014). |
| | 8 VAC 20-131-280 Pages 36-37 | This change will add three points to the Graduation and Completion Index for each student who earns a diploma and a career and technical education (CTE) credential. HB 642 and SB 514 (2012). |
| | 8 VAC 20-131-280 Page 37 | The revision requires the Board of Education, for the purposes of the Standards of Accreditation, to use a graduation rate that excludes any student who fails to graduate because he or she is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. Note: This requirement becomes effective on July 1, 2016. HB 2318 (2015). |
| | 8 VAC 20-131-300 Pages 41-45 | The revision establishes additional accreditation ratings that recognize the progress of schools and student growth. HB 1873 and SB 1320 (2015). |
| | 8 VAC 20-131-300 Page 50 | This addition specifies that the effective date is July 1, 2016, for the revision of the graduation rate formula described in 8VAC201-13-280. HB 2318 (2015). |

The discussion included:

- Mrs. Atkinson proposed the following technical amendments to the proposed regulations: Add the phrase “Effective no later than the academic year 2016-2017” on pages 41 (8VAC20-131-300 A) and 42 (8VAC20-131-300 C) and remove the same phrase from subsections 8VAC20-131-300 3.a.1; 3.a.2; 3.b.1; and 3.b.2.
- Mrs. Wodiska thanked staff for their work on the proposed regulations.
- Mrs. Atkinson said the proposed regulations create an opportunity for the Board to work better with schools to help them improve.
- Dr. Staples said the Board is initiating this separate fast track regulatory action to address legislation approved by the General Assembly, but the Board still has more work to do on the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* as part of its comprehensive review.

Mrs. Wodiska made a motion to approve the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Fast Track) to comport with legislation passed by the General Assembly, and authorize the Department of Education staff to make technical changes as needed. The motion was seconded by Dr. Baysal and carried unanimously.

First Review of High School Equivalency (HSE) Examination Guidelines

Dr. Susan Clair, director for adult education and literacy, presented this item. Dr. Clair’s presentation included the following:

- In March 2013, the Superintendent of Public Instruction approved the state’s adoption of the 2014 GED® test as the state approved high school equivalency examination. The GED® test was selected because it is widely accepted and recognized by postsecondary education and employers. State and local resources for the implementation of the GED® test were put in place as a result of that acceptance.
- On June 26, 2014, the Office of Adult Education and Literacy (OAEL) informed the Board of the impending change to the *Code of Virginia* effective July 1, 2014. On that date, HB 1007 (Byron) changed all references in the *Code of Virginia* from “General Educational Development (GED®)” to “high school equivalency examination approved by the Board of Education.” The language was changed in recognition of other high school equivalency (HSE) examination options that are now available.
- Two other HSE examination options are currently available in addition to the GED® test - the *High School Equivalency Test* (HiSET®), from the Educational Testing Service, and CTB/McGraw Hill’s *Test Assessing Secondary Completion™* (TASC). According to a January 27, 2015 report, compiled by the National Adult Education Professional Development Consortium, 40 states have selected the 2014 GED® computer-based test as their approved alternative high school examination, five states selected all three high school equivalency tests, seven states selected only the HiSET®, and four states selected only the TASC. In total, 40 states offer the GED® test; 14 states offer HiSET®; and 9 states offer TASC.
- On September 18, 2014, the GED® testing program was temporarily approved by the Board as the HSE examination to be used in Virginia. The approval was granted to comply with the legislated code changes. At this same meeting, the Board directed the OAEL to conduct a comparative analysis of HSE examination options in order to make an informed decision about which HSE examination(s) would best meet the needs of Virginia’s adult learners. To address the Board’s request for additional information regarding optional HSE examinations and timelines in which to evaluate these examinations, the OAEL developed an Action Plan that outlined the steps that the office would take, from October 2014 to spring/summer of 2015, to

obtain information about optional high school equivalency examinations. In addition to these actions, the Superintendent of Public Instruction requested that OAEL survey key stakeholders to determine the credibility and acceptability of all HSE options.

Evaluation of High School Equivalency Examinations

The following actions have been taken by the OAEL following the September 18, 2014, Board meeting:

- October 2014: The Adult Education and Literacy Advisory Committee (AELAC) was informed of the temporary approval of the GED® test and that the OAEL would move forward with a Request for Information (RFI) to vendors of other available high school equivalency examinations.
- October/November 2014: The OAEL begins preliminary preparation to conduct an RFI.
- December 2014: James Madison University (JMU) was contracted to develop a RFI and solicited responses from the three available HSE vendors. Dr. Diane Foucar-Szocki, Professor, Learning, Technology and Education Leadership, and Dr. Amy Dimarco-Thelk, Director of Assessment and Evaluation, JMU, coordinated this RFI process.
- January/February 2015: The RFI was released on January 26th and was due back on February 20th. A HSE Review Committee was selected and contacted. The HSE Review Committee consisted of 15 members, representing the Virginia Department of Juvenile Justice (DJJ), the Virginia Department of Corrections (DOC), the Virginia Community College System (VCCS), the State Council of Higher Education for Virginia (SCHEV), Goodwill Industries of the Valleys, Advisor for Workforce Development of the Secretary of Commerce and Trade, Virginia Association of School Superintendents, Adult Education and Literacy Regional Program Managers, and adult education professionals from local school divisions including Hampton City Public Schools, Fairfax County Public Schools, Henrico County Public Schools, Newport News City Public Schools, Prince William County Public Schools, and Virginia Beach City Public Schools.
- March/April 2015: Members of the HSE Review Committee received electronically the information received from the three HSE vendors to review and study prior to a meeting held on April 13 and 14. At this meeting, the three vendors presented their HSE examinations. Discussions were held following each presentation, with time allowed for the committee members to ask questions of the HSE vendors; then the committee members completed surveys on the presentations they heard. As part of the HSE evaluation process, JMU conducted interviews with various states, OAEL staff, and the Division of Instruction, Chief Academic Officer/Assistant Superintendent for Instruction.
- April 2015: The Chief Academic Officer/Assistant Superintendent for Instruction and OAEL staff met with representatives from the Attorney General's office and the Office of Procurement to determine whether the OAEL was required to conduct a Request for Proposal (RFP) from HSE vendors. It was determined that the OAEL develop HSE examination guidelines to be approved by the Board. All HSE vendors have had an opportunity to participate in the RFI process and vendor presentations, and all will have the opportunity to submit an application to be an approved HSE examination in Virginia. It was further understood that a contract with HSE vendors would not be necessary because they are not being hired by the Department to offer the examinations. Instead, the vendors are being authorized by the Department to provide the examinations to eligible individuals.
- May 2015: JMU compiled information from the RFI materials, the HSE Review Committee survey results, and information garnered through interviews with OAEL staff, the Chief Academic Officer/Assistant Superintendent for Instruction, the Virginia Adult Learning Resource Center (VALRC) staff, and selected states that have adopted one or more of the available HSE examinations.
- May 2015: Using the JMU report as a framework, guidelines were developed containing all of the relevant criteria to be considered when approving an HSE examination for use in Virginia. These guidelines were developed by an HSE Guidelines Committee, consisting of a representative from the Department of Corrections, the Virginia Community College System, a representative from a four-year state university, a local Adult Education Program Manager, a representative from Goodwill Industries International Inc., and OAEL staff.
- June 2015: The JMU report and the HSE Examination Guidelines were presented to the AELAC on June 12. (Report and guidelines attached). Both of these documents were thoroughly reviewed and discussed in depth. The committee emphasized that the state should continue to uphold high standards and rigor when

considering HSE examination approval. The AELAC voted unanimously to approve the HSE Examination Guidelines to present to the Board for First Review.

Mr. Denton Sisk, chair, Adult Education and Literacy Advisory Committee, gave a brief overview of the process the advisory committee followed with regard to the High School Equivalency Guidelines.

Discussion included:

- Mrs. Wodiska commended staff for a thorough analysis and the way they engaged stakeholders.
- Mrs. Atkinson also commended staff for the thoroughness of the report. Mrs. Atkinson asked why moving to computer and paper-based testing would create space issues. Dr. Sue Mansfield, specialist, Office of Adult Education and Literacy, responded that when programs began using computer-based testing, classroom spaces that were used for paper-based testing were given up. Mrs. Mansfield said paper-based testing cannot be done in computer labs but space needs to be found and must be conducive to testing.

The Board received for first review the *High School Equivalency Examination Guidelines for Virginia*.

First Review of Proposed Board of Education Meeting Dates for the 2016 Calendar Year

Mrs. Melissa Luchau, director for board relations, presented this item. Her presentation included the following:

- In recent years, the Board of Education has met monthly except for the months of August and December. Meetings are typically held on the fourth Thursday of the month, although this is not a requirement. Exceptions are the March meeting, which is scheduled to avoid meeting during spring holiday for many school divisions, and the November meeting, which is scheduled to avoid meeting during Thanksgiving. The April meeting is typically a two-day planning session.
- In addition to the monthly business meetings, the President may call special meetings of the full Board of Education and its committees, as deemed necessary. Unless otherwise announced by the President, all Board of Education meetings will be held in the Jefferson Conference Room on the 22nd floor of the James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.
- The proposed business meeting dates for 2016 are as follows:
 - Thursday, January 28
 - Thursday, February 25
 - Thursday, March 17
 - Thursday, April 28
 - Thursday, May 26
 - Thursday, June 23
 - Thursday, July 28
 - Thursday, September 22
 - Thursday, October 27
 - Thursday, November 17

The Board received for first review the proposed schedule of meeting dates for 2016.

Report on the Timeline for Development of Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia

Mr. John Eisenberg, assistant superintendent for special education and student services, presented this item. His presentation included the following:

- The Virginia General Assembly enacted HB 1443, amending the *Code of Virginia* by adding section 22.1-279.1:1, relating to the use of seclusion and restraint in public schools. The bill requires the Board of Education (BOE) to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth that (i) are consistent with its *Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations* and the *Fifteen Principles* contained in the U.S. Department of Education's *Restraint and Seclusion: Resource Document*; (ii) include definitions, criteria for use, restrictions for use, training requirements, notification requirements, reporting requirements, and follow-up requirements; and (iii) address distinctions, including distinctions in emotional and physical development, between (a) the general student population and the special education student population and (b) elementary school students and secondary school students.
- The *Regulations Governing the Operation of Private Day Schools for Students with Disabilities and Educational Programs Offered in Group Homes and Residential Facilities in the Commonwealth*, which the BOE adopted on June 27, 2013, were approved by the Governor and will be published in the Virginia Register of Regulations on July 27, 2015. These regulations will become effective August 26, 2015. These regulations also contain requirements governing the practice of restraint and seclusion in private special education schools and may serve as a beginning model for the development of the *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.
- Virginia Department of Education staff is currently conducting internal workgroups to review other states' regulations related to the use of seclusion and restraint, as well as analyzing ways to use the *Regulations Governing the Operation of Private Day Schools for Students with Disabilities and Educational Programs Offered in Group Homes and Residential Facilities in the Commonwealth* to draft recommended components for stakeholder review. Tentative dates in August have been scheduled to bring a wide variety of external stakeholders together to explore ideas and recommendations. Additional stakeholder meetings will be scheduled in September and October to develop a draft of the proposed regulations. The proposed *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* will be presented to the Board of Education for first review in November 2015.
- The BOE will conduct at least two public hearings situated in geographically centralized locations. These hearings are recommended to be scheduled in December 2015, before the January 2016 BOE meeting. Public comment will be collected via email, mail, fax and phone. A summary of those public comments will be provided to the BOE at the January meeting. Depending upon the level of public comment and reaction to the draft regulations, a second review might need to be completed before final review of the proposed stage by the Board.
- Once the BOE accepts the proposed stage regulations in either January or February, the process will be governed by the Administrative Process Act. The proposed stage will be submitted for Executive Branch Review which includes the Attorney General's Office, Department of Planning and Budget, Cabinet Secretary and the Governor. Upon approval of the proposed stage, and publication in the Register, there will be a 60 day public comment period and a public hearing. Upon the ending of the public comment period, VDOE staff will review all public comments submitted to determine if revisions are needed. The final stage of the regulations will be presented to the Board, followed by Executive Branch Review. Once approved by

the Governor they will be published in the Register. After a 30 day final adoption period, the final regulations become effective.

- In summary, the following timeline for the development of the regulations is proposed:
 - ✓ July 2015 – Internal working groups to review other states’ regulations and the *Regulations Governing the Operation of Private Day Schools for Students with Disabilities and Educational Programs Offered in Group Homes and Residential Facilities in the Commonwealth*
 - ✓ August – October 2015 – External stakeholders begin drafting proposed regulations
 - ✓ November 2015 – Board receives first review of proposed regulations
 - ✓ December 2015 – Public comment on proposed regulations is collected via hearings and writing
 - ✓ January or February 2016 – Board receives final review of proposed regulations
 - ✓ Upon Board approval of proposed regulations, the Administrative Process Act will guide the process for review and approval of the proposed stage, public comment, submission of the final stage, review and approval of the final stage, and final adoption.

The discussion included:

- Mrs. Atkinson commended staff for their work.
- Mrs. Edwards thanked staff for their hard work and highlighted the training requirements for staff and administrators included in the legislation.
- Mrs. Wodiska thanked staff for their work.
- Mr. Eisenberg noted that Virginia was recognized as second in the country for special education services. He said some of that is because of the practices and policies adopted by the Board over the past three years.
- Mrs. Lodal congratulated Mr. Eisenberg and his team.
- Dr. Cannaday asked for clarification about the 2,100 service providers mentioned in the report. Mr. Eisenberg said counting the number of schools, centers, governor’s schools, and regional programs, there are approximately 2,100 buildings with approximately three people per building that provide support.
- Mrs. Lodal said a provider is needed to do turn-around training within schools.

The Board received the report on the timeline for development of *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.

Report from the Virginia Advisory Committee for the Education of the Gifted on Educational Opportunities for Gifted Middle School Students

Dr. Donna Poland, specialist for Governor’s Schools and gifted education, presented this item. Dr. Poland’s presentation included the following:

- A letter from the Virginia Board of Education (BOE) in September 2013 charged the Virginia Advisory Committee for the Education of the Gifted (VACEG) with researching quality programming options for high-ability learners at the middle school level. BOE President Mr. David M. Foster indicated that the middle school document should closely resemble the VACEG 2013 document [*Educational Opportunities for Gifted Students at the High School Level*](#).
- Over the 2013-2015 timeframe, 24 VACEG members contributed to the research and development of this document. Throughout the research and development process, VACEG members compared the various components of each service option to the [*NAGC Pre-K-Grade 12 Gifted Programming*](#).

Standards as well as the Regulations Governing Educational Services for Gifted Students.

- *Educational Opportunities for Gifted Middle School Students* (Attachment A) is designed to help school divisions establish or improve programs for gifted middle school students. This document provides research and guidance regarding the social-emotional needs of gifted middle school students in addition to giving school divisions critical information for the development and evaluation of quality gifted programs. This document is not meant to be a comprehensive review of all possible service options for gifted middle school students. Rather it can serve as a foundation for creating and reviewing middle school gifted programs to extend and enrich the educational experiences of gifted learners throughout the Commonwealth of Virginia.
- *Educational Opportunities for Gifted Middle School Students* identifies various service options that address the needs of gifted learners in middle school and satisfy the requirements for best practices in the *Regulations Governing Educational Services for Gifted Students*. These options are grouped into three categories: advanced learning opportunities in the classroom, accelerated content, and beyond the classroom. For each service option, the document addresses:
 - ✓ The ways the option satisfies requirements for best practices in the *Regulations*;
 - ✓ The support mechanisms associated with the option, such as differentiation, professional development, staffing, funding, space, face-to-face opportunities, virtual learning, and/or technology;
 - ✓ The learner outcomes that specify what students should know, understand, and be able to do as a result of the learning experiences and student academic growth as well as the social-emotional benefits students receive from participating in the programs;
 - ✓ The Virginia Department of Education (VDOE) priorities associated with the option, such as STEM, college and career readiness, 21st Century Skills, Early College Scholars, Virginia Plan for Dual Enrollment; and/or Virtual Virginia; and
 - ✓ Selected examples of locations in Virginia where the option is being implemented.

Ms. Leslie Hunley, vice-chair, Virginia Advisory Committee for the Education of the Gifted, presented a brief overview of the report from the advisory committee.

The discussion included:

- Mrs. Lodal said she is interested in the identification of young people, particularly minorities, and how we can broaden the identification of gifted students. Dr. Poland said there are some best practices that are working and those school divisions share this information with others during local conference meetings.
- Dr. Cannaday said it may be helpful for the Board to learn from children who may not necessarily meet the criteria of the gifted identification process, but go on to excel regardless.
- Mrs. Atkinson acknowledged the thoroughness of the report which will be helpful to local school divisions as they evaluate what can be done for gifted middle school students.

The Board received the report from the Virginia Advisory Committee for the Education of the Gifted on Educational Opportunities for Gifted Middle School Students.

DISCUSSION OF CURRENT ISSUES

Mrs. Lodal encouraged everyone to read “*The Warmth of Other Suns*” written by Isabel Wilkerson. Mrs. Lodal also spoke about an article in the New York Times by Ms. Wilkerson titled, “*Our Racial Moment of Truth.*”

Mrs. Wodiska is a member of the Commonwealth Council on Bridging the Nutritional Divide and gave a brief update from the July meeting. Mrs. Wodiska said local summer meal sites can be found by texting FOOD to 877877 or calling 211. Information on the Council can be found at: <https://governor.virginia.gov/media/3456/eo-34-bridging-the-nutritional-divide.pdf>. Dr. Staples acknowledged the positive response from school divisions participating in various meal initiatives and congratulated them for stepping up to the plate to feed children.

WORK SESSION

The Board met for a public work session on Wednesday, July 22, 2015, at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, with the following members present: Mrs. Atkinson, Dr. Baysal, Dr. Cannaday, Mr. Dillard, Mrs. Edwards, Mrs. Lodal, and Mrs. Wodiska. The following department staff also participated: Dr. Steven Staples, superintendent of public instruction, Dr. Cynthia Cave, assistant superintendent for policy and communications, and Melissa Luchau, director for board relations. The purpose of the meeting was to discuss the *Annual Report on the Condition and Needs of Public Schools in Virginia*. The Board identified five areas of emphasis to include in the report – resources, capacity within schools and school divisions, accountability, collaboration with education governing bodies, and school climate. No votes were taken, and the work session concluded at 1:15 p.m.

DINNER MEETING

The Board met for a public dinner on Wednesday, July 22, 2015, at the Crowne Plaza Richmond Downtown Hotel, with the following members present: Mrs. Atkinson, Dr. Baysal, Dr. Cannaday, Mr. Dillard, Mrs. Edwards, Mrs. Lodal, and Mrs. Wodiska. The following department staff also attended: Dr. Steven Staples, superintendent of public instruction, and Melissa Luchau, director of board relations. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 8 p.m.

EXECUTIVE SESSION

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

Mrs. Wodiska made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board reconvened at 3 p.m.

Dr. Cannaday made a motion that the Board certify by roll-call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements of the Freedom of Information Act were discussed and (2) only matters identified in the motion to have the closed session were discussed. The motion was seconded by Mrs. Atkinson and carried unanimously.

Board Roll call:

Mrs. Lodal – Yes
Dr. Baysal – Yes
Mrs. Edwards – Yes
Mrs. Wodiska – Yes
Dr. Cannaday – Yes
Mrs. Atkinson – Yes
Mr. Dillard – Yes

The Board made the following motions:

- Mrs. Atkinson made a motion to revoke the license of John Brishcar. The motion was seconded by Dr. Baysal and carried unanimously.
- Mrs. Lodal made a motion to issue a license in Case #3. The motion was seconded by Dr. Baysal and carried unanimously.
- Mrs. Atkinson made a motion to revoke the license of Randall Patrick Giordano. The motion was seconded by Dr. Baysal and carried unanimously.
- Mrs. Lodal made a motion to issue a license in Case #5. The motion was seconded by Dr. Baysal and carried unanimously.
- Mrs. Atkinson made a motion to suspend the license of Crystal Gail Holman. The motion was seconded by Mrs. Lodal and carried with six "yes" vote. Mr. Dillard voted "no".
- Mrs. Atkinson made a motion to issue a license in Case #7 upon completion of all renewal requirements. The motion was seconded by Mrs. Edwards and carried unanimously.
- Mrs. Wodiska made a motion to revoke the license of Heather Hogston Lambert. The motion was seconded by Dr. Baysal and carried with six "yes" votes. Mr. Dillard abstained from voting.
- Dr. Baysal made a motion to issue a license in Case #9. The motion was seconded by Mrs. Lodal and carried unanimously.
- Mrs. Atkinson made a motion to revoke the license of Christopher Rademacher. The motion was seconded by Mrs. Wodiska and carried unanimously.
- Mrs. Lodal made a motion to revoke the license of Sonya Swansbrough. The motion was seconded by Mrs. Atkinson and carried unanimously.

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Dr. Cannaday adjourned the meeting at 3:05 p.m.

President

DRAFT