

COMMONWEALTH OF VIRGINIA  
BOARD OF EDUCATION  
RICHMOND, VIRGINIA

**MINUTES**

June 27, 2013

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

Mr. David M. Foster, President  
Mrs. Betsy D. Beamer, Vice President  
Mrs. Diane T. Atkinson  
Mr. Christian N. Braunlich

Dr. Billy K. Cannaday, Jr.  
Mrs. Darla M. Edwards  
Mrs. Winsome E. Sears  
Mrs. Joan E. Wodiska

Dr. Patricia I. Wright, Superintendent  
of Public Instruction

Mr. Foster called the meeting to order at 9 a.m.

***MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE***

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

***APPROVAL OF MINUTES***

Mrs. Beamer made a motion to approve the minutes of the May 23, 2013, meeting of the Board. The motion was seconded by Dr. Cannaday and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

***PUBLIC COMMENT***

The following persons spoke during public comment:

- Laura Murphy spoke on advance parental notification of sensitive or controversial materials, opportunities for parents to request alternative materials for their children, and opportunities to opt-out of using the instructional materials.
- Cheryl Ward on behalf of the Virginia Coalition for Students with Disabilities spoke in support of the proposed *Regulations Governing the Operation of Private Schools for Students with Disabilities*.
- Carrie Cilento on behalf of the Speech-Language Hearing Association of Virginia spoke on universal licensure for speech-language pathologists in the Commonwealth of Virginia.

- Pat Shoemaker spoke on proposed revisions to the *Regulations Governing the Review and Approval of Education Programs in Virginia*.
- Dr. Mark Hogan, on behalf of teacher education preparation programs across the state, spoke on proposed revisions to the *Regulations Governing the Review and Approval of Education Programs in Virginia*.
- Dr. David Blaiklock, on behalf of the Virginia Association of Independent Specialized Education Facilities (VAISEF), spoke in support of the *Regulations Governing the Operation of Private Schools for Students with Disabilities*.
- Meg Gruber, president of the VEA, spoke on student growth indicators.
- Dr. Jim Batterson spoke in support of the proposed engineering endorsement in the *Licensure Regulations for School Personnel*.
- Cheryl Poe, parent, spoke on the value of special education advocates.
- Nicole Dooley of JustChildren spoke in support of the *Regulations Governing the Operation of Private Schools for Students with Disabilities*.

### **PRESIDENTS LISTENING TOUR**

Mr. Foster indicated that the next forum will be held in Region 7 in August, and details will be announced via the Department's Web page.

### **CONSENT AGENDA**

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

- Final Review of Proposal to Establish the Gloucester County Public Schools and Mathews County Public Schools Governor's Health Sciences Academy
- Final Review of Proposals to Establish the Following Governor's STEM Academies: 1) Fairfax County Public Schools Governor's STEM Academy at George C. Marshall High School; 2) Harrisonburg City Public Schools Governor's STEM Academy at Harrisonburg High School; and 3) Montgomery County Public Schools Governor's STEM Academy at Christiansburg High School
- Final Review of Revisions to Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the Student-Selected Verified Credit
- Final Review to Repeal *Regulations Governing Substitute Teachers* (8 VAC 20-640), *Regulations for Conducting Division-Level Academic Reviews* (8 VAC 20-700), and *Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions* (8 VAC 20-710), Pursuant to SB 1201 (Fast Track)

- Final Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, Advisory Board on Teacher Education and Licensure, and Advisory Committee on Adult Education and Literacy
- Final Review of Proposed Revised *Fine Arts Standards of Learning*
- Final Review of Notice of Intended Regulatory Action (NOIRA) to Revise the *Procedures for Adjusting Grievances* (8 VAC 20-90-10 et seq.)

**Final Review of Proposal to Establish the Gloucester County Public Schools and Mathews County Public Schools Governor's Health Sciences Academy**

With the Board's approval of the consent agenda, the Board approved the proposal to establish the Gloucester County Public Schools and the Mathews County Public Schools Governor's Health Sciences Academy.

**Final Review of Proposals to Establish the Following Governor's STEM Academies: 1) Fairfax County Public Schools Governor's STEM Academy at George C. Marshall High School; 2) Harrisonburg City Public Schools Governor's STEM Academy at Harrisonburg High School; and 3) Montgomery County Public Schools Governor's STEM Academy at Christiansburg High School**

With the Board's approval of the consent agenda, the Board approved proposals to establish the following Governor's STEM Academies: 1) Fairfax County Public Schools Governor's STEM Academy at George C. Marshall High School; 2) Harrisonburg City Public Schools Governor's STEM Academy at Harrisonburg High School; and 3) Montgomery County Public Schools Governor's STEM Academy at Christiansburg High School.

**Final Review of Revisions to Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the Student-Selected Verified Credit**

With the Board's approval of the consent agenda, the Board approved the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for the Board of Education's Career and Technical Education and Advanced Mathematics and Technology Seals and the student-selected verified credit.

**Final Review to Repeal Regulations Governing Substitute Teachers (8 VAC 20-640), Regulations for Conducting Division-Level Academic Reviews (8 VAC 20-700), and Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions (8 VAC 20-710), Pursuant to SB 1201 (Fast Track)**

With the Board's approval of the consent agenda, the Board approved the repeal of the *Regulations Governing Substitute Teachers* (8 VAC 20-640), the *Regulations for Conducting Division-Level Academic Reviews* (8 VAC 20-700), and the *Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions* (8 VAC 20-710).

**Final Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, Advisory Board on Teacher Education and Licensure, and Advisory Committee on Adult Education and Literacy**

With the Board's approval of the consent agenda, the Board approved the list of nominees recommended for appointment to the Board of Education's advisory committees for the 2013-2016 term.

**Final Review of Proposed Revised Fine Arts Standards of Learning**

With the Board's approval of the consent agenda, the Board adopted the proposed revised *Fine Arts Standards of Learning* and authorized the Department of Education to make clarifying and/or technical edits.

**Final Review of Notice of Intended Regulatory Action (NOIRA) to Revise the Procedures for Adjusting Grievances (8 VAC 20-90-10 et seq.)**

With the Board's approval of the consent agenda, the Board approved the Notice of Intended Regulatory Action (NOIRA) to begin the process of revising the *Procedure for Adjusting Grievances* (8 VAC 20-90-10 et seq.).

**ACTION/DISCUSSION ITEMS**

**Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Revise the Regulations Governing the Review and Approval of Education Programs in Virginia (8 VAC 20-542-10 et seq.) (Proposed Stage)**

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mrs. Pitts' presentation included the following:

- In addition to minor edits, the following revisions were made to the proposed regulations since first review by the Board of Education on May 23, 2013:

- ✓ Page 10: Changed the title of Part II to “Accreditation and Administering the Regulations” and moved text from Part III regarding professional education programs to Part II.
- ✓ Page 11: Added the requirement that education programs must ensure that candidates complete training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators.
- ✓ Pages 12-13: Removed references to Accreditation (applicable text moved to Part II) and established the new section, “Application for New Education Endorsement Programs.” Added the process and criteria required for applying for a new education endorsement program.
- ✓ Page 26: Added additional data to be collected for the Annual Report Card, including the number of candidates admitted in education endorsement programs who are in the top quartile of the college/university population, the number of program non-completers, number of program completers for the reporting year who were admitted without meeting the prescribed admission assessment requirement, and the number of program non-completers for the reporting year who were admitted to the program without meeting the prescribed admission assessment requirement.
- ✓ Pages 36-37: Revised the text in the Reading/English competencies for the early/primary education preK-3 endorsement to align with the competencies for the elementary education preK-6 endorsement.

The following amendments were made at the meeting:

- ✓ Page 15 – Clarified the meaning of demonstrated effectiveness. Section 8 VAC 20-542-40 Standards for biennial approval of education endorsement programs.
  - 3.b. Evidence that supervised clinical experiences are continuous and systematic and comprised of early field experience with a minimum of 10 weeks of full-time student teaching under the supervision of a cooperating teacher with demonstrated effectiveness in the classroom, as indicated by a proficient or exemplary evaluation rating.
- ✓ Page 26 – Clarified and added data to be collected for the Annual Report Card. Section 8 VAC 20-542-70 Annual Report Card.
  - 10. Satisfaction ratings by school administrators and clinical experience supervisors on student teachers;
  - 11. Satisfaction ratings by employers of program completers;
  - 12. Satisfaction ratings of program completers within two years of employment; and
  - 13. Other data as required by the Board of Education

The Board’s discussion included:

- Mrs. Sears indicated her support for an exit survey provided to graduates upon completion of the program. Dr. Wright noted that the revised regulations will allow feedback from graduates.
- Mrs. Wodiska thanked staff for the additional language in the revised regulations for institutions of higher education seeking approval of an education endorsement program.
- Mr. Braunlich asked staff to look at the admittance and selection process of institutions of higher education and how well they are doing with the reading program.

- Mrs. Edwards asked if data collected will identify gender and ethnicity. Mrs. Edwards also asked if a family engagement tool kit will be added to the revised regulations.

Mrs. Beamer made a motion to: (1) accept for final review the recommendation of the Advisory Board on Teacher Education and Licensure, with the Superintendent of Public Instruction's proposed amendments, to revise the *Regulations Governing the Review and Approval of Education Programs in Virginia* (Proposed Stage) and (2) authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act. The motion was seconded by Dr. Cannaday and carried unanimously.

**Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Revise the Licensure Regulations for School Personnel (8 VAC 20-22.10 et seq.) (Proposed Stage)**

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

- In addition to minor edits, the following revisions were made to the proposed *Licensure Regulations for School Personnel* since the first review by the Board of Education on May 23, 2013:
  - ✓ Page 9: Clarified the endorsement requirement for the teacher of record.
  - ✓ Page 24: Referenced Section 8VAC20-22-110G (page 26) to clarify Option 1-College Credit.
  - ✓ Pages 26-27: Changed text to allow the division superintendent or the principal to approve renewal activities and exceptions. Removed the text "for one cycle of the renewal process" to allow an exception to the content course requirements for individuals without a graduate degree beyond one renewal cycle.
  - ✓ Page 30: Corrected text to align the professional studies requirements throughout the document.
  - ✓ Page 92: Added "Principal of Distinction" to the name of the Level II endorsement in administration and supervision preK-12.

The following amendment was made at the meeting:

- ✓ Page 56: Removed reference to the Virginia Driver Education Competency Test.

Mrs. Atkinson made a motion to: (1) accept for final review the Advisory Board on Teacher Education and Licensure's recommendation, with the Superintendent of Public Instruction's proposed amendments, to revise the *Licensure Regulations for School Personnel* (8VAC20-22.10 et seq.) (Proposed Stage) and (2) authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act. The motion was seconded by Mrs. Edwards and carried unanimously.

**Final Review of Proposed Revisions to the Regulations Governing the Employment of Professional Personnel (8 VAC 20-440-10 et seq.) (Proposed Stage)**

Mrs. Pitts also presented this item. There were no changes to the proposed revisions since first review by the Board of Education.

The Board's discussion included:

- Mrs. Sears asked about the change from instructional personnel to teacher. Mrs. Pitts indicated that the definition of teachers has changed and the word instructional was included prior to the word supervisor to clarify that instructional supervisors receive contracts and are required to be endorsed.
- Mr. Foster also noted that it was changed to align with the statute.

Mr. Foster made a motion to approve the proposed revisions to the *Regulations Governing the Employment of Professional Personnel* (Proposed Stage) and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act. The motion was seconded by Mrs. Beamer and carried unanimously.

**Final Review of Revisions to Licensure Regulations for School Personnel (8 VAC 20-22.10 et seq.) to Conform to Senate Bill 1345, Senate Bill 986, and House Bill 2028 (2013 General Assembly) (Exempt Action)**

Mrs. Pitts presented this item. There were no changes to the proposed revisions since first review by the Board of Education.

Mr. Braunlich made a motion to approve the proposed amendments to the *Licensure Regulations for School Personnel* (Exempt Action) and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act. The motion was seconded by Mrs. Atkinson and carried unanimously.

**Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) for Passing Scores for the following Licensure Assessments: 1) Virginia Communication and Literacy Assessment (VCLA); 2) Praxis Elementary Education: Multiple Subjects (5031); 3) Praxis Middle School English Language Arts (5047); 4) Praxis Middle School Mathematics (5169); 5) Praxis English Language Arts: Content Knowledge (5038); 6) Praxis Mathematics: Content Knowledge (5161)**

Mrs. Pitts presented this item. There were no changes to the passing scores for licensure assessments since first review by the Board of Education.

The Board's discussion included:

- Dr. Wright noted the Board's action will increase the rigor and expectation of teachers in Virginia, especially elementary teachers. Dr. Wright said that elementary teachers must demonstrate content mastery in each of the four core areas.

- Mrs. Beamer said it was a privilege working with ABTEL members as they went through the process of developing recommendations for the regulations and evaluating the passing scores.
- Dr. Cannaday praised Mrs. Pitts and ABTEL working together to increase the professionalism associated with the teaching profession.

Mrs. Beamer made a motion to (1) adopt passing scores and effective dates for the licensure assessments provided in the table below and (2) allow the acceptance of passing scores for licensure from individuals who took currently-approved licensure assessments taken prior to these effective dates. The motion was seconded by Dr. Cannaday and carried unanimously.

ASSESSMENT NAME	STANDARD SETTING SUMMARY				SUPERINTENDENT'S RECOMMENDATIONS	
	ASSESSMENT	CURRENT PASS SCORE	VIRGINIA PANEL RECOMMENDATIONS	MULTISTATE PANEL RECOMMENDATIONS	ABTEL RECOMMENDATIONS	SUPERINTENDENT'S RECOMMENDATION
VCLA Reading Subtest (091)	20 out of 35	26 out of 35		26 out of 35	26 out of 35	January 1, 2014
VCLA Writing Multiple Choice/Sentence Correction (092)	23 out of 41	29 out of 41		29 out of 41	29 out of 41	January 1, 2014
VCLA Writing Assignments (092)	23 out of 40	29 out of 40		29 out of 40	29 out of 40	January 1, 2014
Praxis Elementary Education: Multiple Subjects (5031): Reading and Language Arts (5032)		40 out of 65	46 out of 65	40 out of 65	46 out of 65	July 1, 2014
Praxis Elementary Education: Multiple Subjects (5031): Mathematics (5033)		24 out of 40	28 out of 40	24 out of 40	28 out of 40	July 1, 2014
Praxis Elementary Education: Multiple Subjects (5031): Social Studies (5034)		34 out of 55	35 out of 55	34 out of 55	35 out of 55	July 1, 2014
Praxis Elementary Education (5031): Multiple Subjects/Science (5035)		31 out of 50	33 out of 50	31 out of 50	33 out of 50	July 1, 2014
Praxis Middle School English Language Arts (5047)		79 out of 120	81 out of 120	81 out of 120	81 out of 120	January 1, 2014
Praxis Middle School Mathematics (5169)		28 out of 45	31 out of 45	31 out of 45	31 out of 45	January 1, 2014
Praxis English Language Arts: Content Knowledge		68 out of 110	79 out of 110	79 out of 110	79 out of 110	January 1, 2014

(5038)						
Praxis Mathematics: Content Knowledge (5161)		30 out of 50	32 out of 50	32 out of 50	32 out of 50	January 1, 2014

**Final Review of the Advisory Board on Teacher Education and Licensure (ABTEL)  
Recommendations for Passing Scores for the Praxis Core Academic Skills for Educators  
Assessment as the Prescribed Entry Requirement into an Approved Education Program**

Mrs. Pitts presented this item. There were no changes since first review of this item by the Board of Education.

Mrs. Beamer made a motion to approve the recommendations of the Advisory Board on Teacher Education and Licensure (ABTEL) and adopt the following passing scores for the Praxis Core Academic Skills for Educators assessment to become effective January 1, 2014:

- Praxis Core Academic Skills for Educators: Reading Test (5712) - 31 out of a possible 50 raw-score points (156 on a 100 to 200 scale);
- Praxis Core Academic Skills for Educators: Writing Test (5722) - 44 out of a possible 70 raw-score points (162 on a 100 to 200 scale); and
- Praxis Core Academic Skills for Educators: Mathematics Test (5732) - 29 out of a possible 50 raw-score points (150 on a 100 to 200 scale).

The Board also will allow the acceptance of the Praxis I (Pre-Professional Skills Test) for admission into a teacher education program for individuals who took and passed the test prior to January 1, 2014, and approved the following recommendations of ABTEL:

- continue the currently approved SAT and ACT substitute tests and passing scores as substitute tests for the basic skills entry assessment until comparison studies using the Praxis Core Academic Skills for Educators: Reading Test (5712), Writing Test (5722), and Mathematics Test (5732) can be completed;
- continue the currently approved passing scores for the Virginia Communication and Literacy Assessment as a substitute test for reading and writing until the Board sets new passing scores;
- not approve a composite score on the Praxis Core Academic Skills for Educators: Reading (5712), Writing (5722), and Mathematics (5732) subtests and require passing scores on each subtest.

The motion was seconded by Mrs. Edwards and carried unanimously.

**Final Review of Petition to Amend Rules Governing Division Superintendent of Schools (8 VAC 20-390)**

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. There were no changes since the first review by the Board of Education.

The Board's discussion included:

- Mrs. Sears noted that this petition came from a private citizen, received public comment, and has been investigated thoroughly by staff and the Board.

Mrs. Edwards made a motion to deny the petitioner's request to amend 8 VAC 20-390-80 to add the following language: "The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the results of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information Act. The division superintendent shall forward each year's records to the Department within thirty days after the close of the fiscal year." Such additional requirements would create a burdensome new recordkeeping mandate on school divisions, when there is no evidence that this new mandate would advance public education. The motion was seconded by Mrs. Atkinson and carried unanimously.

**Final Review of Requests for Waivers to Certain Regulations Establishing Standards for Accrediting Public Schools in Virginia**

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item.

- Mrs. Loving-Ryder noted changes to the requests for waivers since first review by the Board:
  - ✓ Henrico County Public Schools dropped their request for a waiver
  - ✓ Alexandria City Public Schools added two schools to their waiver request—Jefferson Houston Elementary and Patrick Henry Elementary.

Mrs. Atkinson made a motion to approve the requests for waivers to certain *Regulations Establishing Standards for Accrediting Public Schools in Virginia* requiring schools to administer the science or history and social science Standards of Learning assessment, or both, for third-grade students. The motion was seconded by Dr. Cannaday and carried unanimously.

The following school divisions applied for waivers:

Division Name	School Name	Reading Pass Rate on 2011-2012 SOL Assessment	One-Year or Two-Year Waiver is Requested to Exclude 3 <sup>rd</sup> Grade Students from Taking Science SOL Assessment	One-Year or Two-Year Waiver is Requested to Exclude 3 <sup>rd</sup> Grade Students from Taking the History and Social Science SOL Assessment
Alexandria City	Jefferson Houston Elementary	61	2	2
Alexandria City	John Adams Elementary	73	2	2
Alexandria City	Patrick Henry Elementary	65	2	2
Bedford County	Big Island Elementary	71	2	2
Bristol City	Highland View Elementary	74	1	1
Buena Vista City	Enderly Heights Elementary	73	2	2
Carroll County	Gladesboro Elementary School	68	2	2
Cumberland County	Cumberland Elementary	71	2	2
Danville City	Woodberry Hills Elementary	71	2	No
Franklin City	S.P. Morton Elementary	67	2	2
Galax City	Galax Elementary	74	2	2
Hampton City	Cesar Tarrant Elementary	72	2	No
Hampton City	Jane H. Bryan Elementary	61	2	No
Hampton City	John B. Cary Elementary	66	2	No
Hampton City	Paul Burbank Elementary	72	2	No
Manassas City	Baldwin Elementary	72	No	2
Manassas City	Jennie Dean Elementary	66	No	2
Manassas City	Richard C. Haydon Elementary	72	No	2
Martinsville City	Albert Harris Elementary	72	2	2
Norfolk City	Jacox Elementary	71	2	2
Norfolk City	P.B. Young, Sr. Elementary	61	2	2
Norfolk City	Tidewater Park Elementary	55	2	2
Petersburg City	A.P. Hill Elementary	72	2	2
Prince Edward County	Prince Edward Elementary	74	2	2
Richmond City	Oak Grove/Bellemeade Elementary	74	2	2

**Final Review of Proposed Regulations Governing the Operation of Private Schools for Students with Disabilities (8 VAC 20-670-10 et seq.) (Final Stage)**

Dr. Sandra Ruffin, director of federal program monitoring, presented this item. Dr. Ruffin's presentation included the following:

- Following the Board of Education's first review on April 25, 2013, Mr. Christian Braunlich and the Department of Education contacted a wide audience of parents and parent advocacy groups that resulted in 152 written comments. The Department held two audio conferences: one for parents of students attending private schools for students with disabilities, and one for advocates and those concerned about the proposed

behavior management provisions. The audio conferences provided collaborative exchange of views and helped to clarify issues. The written comments, audio conferences and continuing collaboration with private school representatives resulted in revisions that strengthen the proposed regulations, add greater protections for students, and require increased accountability of private schools for students with disabilities.

- The written comments were largely from parents, advocates, parent advocacy organizations, private schools serving students with autism, special education attorneys, and college professors. Parent advocacy groups included the Virginia Coalition for Students with Disabilities, the Legal Aid Justice Center, Virginia Office for Protection and Advocacy, Virginia Board for People with Disabilities, The Arc of Virginia, Families and Allies of Virginia’s Youth, and the Senior Advocate Center for Self Determination, Inc. A review of the comments revealed concerns primarily with “restraint, seclusion, and aversive stimuli” and asked the Department to restore original language to the section on “Prohibitions.” Most comments were supportive of the recommendations submitted by the Coalition for Students with Disabilities, a statewide network of organizations collaborating to support education rights and opportunities for students. The Department agreed with The Coalition’s recommendations and addressed each in the proposed regulations. The Coalition was provided a copy of the proposed changes that resulted from their recommendations and has provided a letter to the Board regarding the Department’s responsiveness. They specifically stated that the revised proposed regulation will help ensure the students are safe while at school.
- A complete listing of all public comments received following the Board’s April meeting and the Department’s responses were included in the Board agenda packet. The packet also includes a letter addressed to the Board from the Virginia Coalition for Students with Disabilities expressing the Department’s responsiveness to their recommendations.

Revisions to Proposed Regulations Following the Board’s First Review on April 25, 2013

The following section identifies the proposed regulations with revisions since the Board’s meeting on April 25, 2013. The first column shows the proposed language presented to the Board on April 25, 2013. The second column shows the proposed current language. A change is denoted with brackets, [ ]; new language is underlined; and a strike-through, denotes deleted language. The third column provides the change/rationale. An asterisk denotes substantial change or a new requirement has been added to the proposed regulation.

The Department’s collaboration with parents and parent advocates following the Board’s April meeting resulted in several new requirements managing student behavior in emergency situations.

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
	<p><b>671.10. Definitions</b>  <b>Added three definitions:</b>  <u>["Aversive stimuli" means any action used to punish a student or to eliminate, reduce, or discourage the problem behavior by use of any of the following or any other actions that are painful, humiliating, degrading, or abusive:</u>            1. <u>Noxious odors and tastes;</u>            2. <u>Water and other mists or sprays;</u>            3. <u>Blasts of air: . . . .</u></p> <p><u>["Mechanical restraint" means the use of any device or equipment to restrict a student’s freedom of movement. This term does not include . . .]</u></p> <p><u>["Pharmacological restraints" means a drug</u></p>	<p>Advocates recommended adding to definition section</p>

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
	<p><u>or medication used on a student to control behavior or restrict freedom of movement that is not (1) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority for the standard treatment of a student’s medical or psychiatric condition; and (2) administered as prescribed by ....]</u></p> <p><u>["Regular basis" means more than twice a month.]</u></p>	
<p><b>671-150. Monitoring.</b> The licensing agency shall: 1. Make at least one announced or unannounced visit during the effective dates ....</p>	<p><b>671-150. Monitoring.</b> The licensing agency shall: 1. Make at least one [<del>announced or</del>] unannounced visit . . . .</p>	<p><b>671-150. Monitoring.</b> Deleted words “announced or” All visits for the purpose of issuing a license to operate are “unannounced.”</p>
<p><b>671-210. Responsibilities of the licensee.</b> 8. Require as a condition of employment that any applicant who accepts employment full-time or part-time, permanent or temporary, including interns and volunteers [who work alone with students], to submit to fingerprinting....</p> <p><del>[In addition, where the applicant has resided in another state within the last five years, the school shall as a condition of employment determine if there are any founded complaints of child abuse or neglect in such state(s) pursuant to §§ 22.1-296.3 and 22.1-296.4 of the {Code of Virginia}.</del></p>	<p><b>671-210. Responsibilities of the licensee.</b> 8. Require as a condition of employment that any applicant who accepts employment full-time or part-time, permanent or temporary [;] [<del>, including interns and volunteers [who work alone with students]</del>] <u>[volunteers on a regular basis and will be alone with a student in the performance of his duties; or anyone who provides contractual services, including services of a student intern, on a regular basis and will be alone with a student in the performance of his duties shall submit to fingerprinting and ....]</u></p> <p><b>*New requirement added</b> <u>[a. Anyone who is hired or is approved to provide volunteer services or contractual services, or services of a student-intern on a regular basis and will be alone with students cannot begin working with children until the criminal history background check has been received by the school.]</u></p>	<p><b>671-210. Responsibilities of the licensee.</b> §22.1-296.3, <i>Code of Virginia</i>, fingerprinting requirements for private schools accredited by a statewide accrediting organization recognized by the Board of Education, is consistent with the requirements for public schools.</p> <p>§22.1-296.2 of the <i>Code</i>. as of July 1, 2007, § 63.2-1726, <i>Code of Virginia</i>, expressly requires background checks for volunteers and individuals who provide contractual services directly to juveniles in a residential facility, “on a regular basis and will be alone with a juvenile in the performance of his duties.”</p> <p>Added new requirement for clarification and safeguard.</p>
<p><b>671-210. Responsibilities of the licensee.</b> 9. Require as a condition of employment that any applicant who accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, including interns and volunteers [who work alone with students], provide written consent....</p> <p>—</p>	<p>9. Require as a condition of employment that any applicant who accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, [<del>and including interns and volunteers who work alone with students]</del> <u>[volunteers on a regular basis and will be alone with a student in the performance of his duties; or anyone who provides contractual services, including services of a student intern on a regular basis and will be</u></p>	<p>9. §63.2-1726, <i>Code of Virginia</i>, requires a search of the central registry for founded cases of child abuse/neglect for children’s residential facilities: any employee, volunteers and contractual service providers who are in the school on a regular basis and will be alone with a student in the performance of his duties.</p>

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
	<p><u>alone with a student in the performance of his duties shall provide written consent....</u> ]  <u>[Where the applicant has resided in another state within the last five years, the school shall as a condition of employment determine if there are any founded complaints of child abuse or neglect in such state(s) pursuant to §§ 22.1-296.3 and 22.1-296.4 of the [Code of Virginia].</u></p> <p><b>*New requirement</b>  <u>[a. Anyone who has not submitted to a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services shall not be permitted to work alone with children. b. The results of the search of the registry must be received prior to permitting an applicant to work with children.]</u></p>	<p>Added clarification</p>
<p><b>671-330. Support staff.</b>  <u>B. Paraprofessionals and other ancillary staff shall be at least 18 years of age (21 years of age preferred), [at a minimum hold a high school diploma or [GED a general educational diploma (GED), have two years of full-time successful work experience with children or completed two years of coursework in a related field, complete orientation conducted by the school administrator or designee regarding school policies and procedures and characteristics of students served, and work under the supervision of qualified staff.]</u></p>	<p><b>*671-330. Support staff</b>  <u>B. Paraprofessionals and other ancillary staff shall be at least 18 years of age (21 years of age preferred), [at a minimum hold a high school diploma or [GED a general educational diploma, (GED)], have two years of successful] work experience with children, or completed two years of coursework in a related field, [or upon employment, complete within 60 calendar days of hire training specific to the assigned student population and job duties as they relate to the academic and behavior progress of students. Such training shall include individualized instruction and student behavior management, including principles and strategies to reduce interfering behavior, build positive skills and enhance communication of students with autism spectrum disorders.]</u></p> <p><b>*New requirement</b>  <u>[E. Paraprofessionals shall work under the supervision of qualified professional staff.]</u></p>	<p><b>671-330. Support staff</b>  <u>B. Revised language to strengthen qualifications for hiring paraprofessionals. If the new hire has no training, shall complete specific training within 60 calendar days of hire. The training topics are consistent in fulfilling requirement for public schools, HB325, 2012 General Assembly; §22.1-298.3 of the Code of Virginia. The bill requires training and supervision of staff working with children with autism spectrum disorders.</u></p> <p>E. Added clarification.</p>
<p><b>671-350. Staff development.</b>  <u>G. [ Each full-time staff [person shall annually receive professional development complete an additional 15 hours of annual training applicable to the staff's job duties.]</u></p>	<p><b>*671-350. Staff development.</b>  <u>[G. Each staff who works directly with students shall annually receive 15 hours of professional development related to student progress and academic achievement that is applicable to the population served and to their job duties.]</u></p>	<p><b>671-350. Staff development</b>  <u>G. Restored 15 hours of professional development annually to include all staff. Requires specific training.</u></p>
<p><b>671-370. School facilities and safety.</b>  <u>[2. C. [Schools established after the</u></p>	<p><b>671-370. School facilities and safety.</b>  <u>[2. C. [Schools established after the</u></p>	<p><b>671-370. School facilities and safety.</b></p>

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
<p>effective date of these regulations and classrooms added to existing buildings shall provide 50 <del>[net]</del> square feet <del>[per occupant]</del> of classroom or instructional area per student [excluding classroom fixtures.]</p>	<p>effective date of these regulations and classrooms added to existing buildings shall provide <u>[at least]</u> 50 <del>[net]</del> square feet <del>[per occupant]</del> of classroom or instructional area per student [excluding classroom fixtures.]</p> <p><b>*New requirement</b> <u>[M. Schools shall have safeguard(s) to be able to identify any visitor in the school building and on the premises during the school day.]</u></p>	<p>C. Added words “at least” 50 square feet for clarification and excluding classroom fixtures.</p> <p>A new requirement was added to 671-370 for added safeguard.</p>
<p><b>671-380. Contingency plans.</b> C. Each school shall have at least <del>[three one]</del> tornado drill[s] and at least one earthquake drill every school year. <del>[and more often if necessary for ...order that students may be practiced in such drills.]</del></p>	<p><b>671-380. Contingency plans.</b> C. Each school shall [annually] have at least <del>[three]</del> <u>one tornado drill[s]; [at least one earthquake drill; and at least two lockdown drills, one in September and one in January.]</u></p>	<p><b>671-380. Contingency plans.</b> C. Added lockdown drills, consistent with public school requirement, effective July 1, 2013, (HB 2346, 2013 General Assembly)</p>
<p><b>671-400. Strip searches.</b> A. Strip searches and body cavity searches are prohibited, [except as permitted by other applicable state regulations or as ordered by a court of competent jurisdiction.]</p>	<p><b>671-400.[ Strip sSearches.]</b> <del>[A. Strip searches and body cavity searches are prohibited, [except as permitted by other applicable state regulations or as ordered by a court of competent jurisdiction.]</del></p>	<p><b>671-400. Searches.</b> Omitted “Strip Searches” from this section. “Strip search and body cavity search” are listed under Prohibitions in 671-650.</p>
<p><b>671-490. Program of instruction and learning objectives.</b></p>	<p><b>671-490. Program of instruction and learning objectives.</b></p> <p><b>*New requirement</b> <u>[K. Each school shall implement evidence-based practices to improve academic, behavior, and social outcomes for all students.]</u></p>	<p><b>671-490. Program of instruction and learning objectives.</b></p> <p>K. Added language to require evidence-based practices</p>
<p><b>671-620. Student conduct.</b></p> <p><u>B. When a publicly placed student is suspended, including in-school suspension, or expelled, the [student’s school shall notify the student’s] home school division [shall be notified] within 24 hours.</u></p>	<p><b>671-620. Student conduct.</b></p> <p><b>*New requirement</b> <u>[A. Each school shall provide a schoolwide environment that reinforces appropriate behaviors and assists students in becoming actively engaged in their own learning, academic and behavioral success.]</u></p> <p><del>[B. C] [The parent shall be notified on the date on which the decision is made to suspend or expel a student because of a violation of a code of student conduct.]</del> When a publicly placed student is suspended, <del>[including in-school suspension]</del>, or expelled, the [student’s school shall notify the student’s] home school division [shall be notified] within 24</p>	<p><b>671-620. Student conduct.</b></p> <p>A. Added new requirement to this section for clarification and expectation that schools are to provide an environment conducive for learning.</p> <p>C. Revised to require timely notification to the parent on the day decision is made.</p>

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
<p><b>671-630. Behavior intervention.</b> A. Each school shall develop and implement written policies and procedures that emphasize positive behavior interventions that focus on teaching and supporting students to practice methods to manage their own behavior. [E. Application of a formal behavior management program designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior contingent upon the exhibition of such behaviors is allowed only as part of an individually approved plan that is consistent with sound therapeutic practice.]</p>	<p>hours.</p> <p><b>671-630. Behavior intervention.</b> A. Each school shall develop and implement written policies and procedures that emphasize positive behavior interventions[.] [<del>that focus on teaching and supporting students to practice methods to manage their own behavior.</del>] [<del>E. Application of a formal behavior management program designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior contingent upon the exhibition of such behaviors is allowed only as part of an individually approved plan that is consistent with sound therapeutic practice.</del>] <b>*New requirement</b> [E. <u>Parents shall be provided access to the school’s behavior management policy and procedures upon enrollment and at the beginning of each school year, and provided a written copy upon request.</u>]</p>	<p><b>671-630. Behavior intervention.</b> A. Deleted language from this section, covered more appropriately in 671-620. A.  E. Deleted previous language and added new requirement.  E. Added for clarification that the school’s behavior management policy and procedures shall be provided to parents.</p>
<p><b>671.650. Prohibitions.</b> [<del>A.</del>] The following actions are prohibited: [<del>1. Restraint and seclusion, except when it is necessary to protect the student or others from personal harm, injury, or death and other less restrictive interventions were unsuccessful;</del>] [<del>2. Prone "face down" restraints, mechanical restraints, [and] pharmacological restraints [, and any other restraint that restricts breathing or harms the child or interferes with the child’s ability to communicate;]</del>] [<del>9.] Application of aversive stimuli;</del> [<del>10. Strip and body cavity searches; and ]</del></p>	<p><b>*671.650. Prohibitions.</b> [<del>A.</del>] The following actions are prohibited: [<u>1. Restraint and seclusion, except when it is necessary to protect the student or others from personal harm, injury, or death and other less restrictive interventions were unsuccessful;</u>] [<u>2. Prone "face down" restraints, mechanical restraints, [and] pharmacological restraints[, and any other restraint that restricts breathing, or harms the child or interferes with the child’s ability to communicate;]</u>] [ <u>9. Application of aversive stimuli;</u>] [<u>10. Strip and body cavity searches; and ]</u></p>	<p><b>671.650. Prohibitions.</b> 1. Changed to original proposed language, restoring all prohibitions and added new language, prohibiting any other restraint that restricts breathing, harms the child or interferes with the child's ability to communicate.</p>
<p><b>671-660. Managing student behavior in emergency situations.</b> <del>[B. A.] Each school shall have written policies and procedures that include, but are not limited to ....</del></p> <p>1. Physical restraint or seclusion is allowed only in an emergency situation for a time period that is necessary to contain the behavior of the student so that the student no longer presents an immediate threat of</p>	<p><b>*671-660. Managing student behavior in emergency situations.</b> <del>[B. A.]</del> Each school shall have written policies and procedures [<u>made available annually to students, parents, and placing agencies</u>] that include, but are not limited to....</p> <p>[<del>+</del> B.] Physical restraint or seclusion is allowed only in an emergency situation [<del>for a time period that</del>][and] is necessary to [<u>protect the student or another person from imminent danger of serious physical harm after less intrusive interventions have been</u></p>	<p><b>671-660. Managing student behavior in emergency situations.</b> Added language for clarification  B. Reworded to ensure other less intrusive interventions have been attempted and failed and to provide clarification.</p>

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
<p>causing physical injury to self or others or causing severe property damage [that may result in personal injury].</p>	<p><del>attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate.]</del>  <del>[contain the behavior of the student so that the student no longer presents an immediate threat of causing physical injury to self or others or causing severe property damage [that may result in personal injury]</del></p> <p><b>*New requirement</b>  <u>[1. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, a revision of behavioral strategies currently in place to address dangerous behavior. If positive behavioral strategies are not in place, staff shall develop them.]</u></p> <p><b>*New requirement</b>  <u>[2. In cases where a student has a history of dangerous behavior for which restraint or seclusion was considered or used, a school shall have a plan developed in consultation with the parent for: (a) teaching and supporting more appropriate behavior; and (b) determining positive methods to prevent behavioral escalations that have previously resulted in the use of restraint or seclusion.]</u></p> <p><b>*New requirement</b>  <u>[8. Schools shall permit parents to inspect any area used during an emergency for the purpose of seclusion.]</u></p> <p><del>[g-8. 10.]</del> Each application of physical restraint or seclusion shall be fully documented in the student's record including date, time, staff involved, ... [physical] restraint or seclusion, [behavior antecedents,]....  <u>[The written report shall be made available to the parent within two business days of the occurrence and opportunity given for the parent and student, as appropriate, to discuss the matter with school staff.]</u></p> <p><b>*New requirement</b>  <u>[11. Schools shall collect and annually</u></p>	<p>1. Requires a review of the use of restraint or seclusion when there is repeated use, and revision or development of behavioral strategies.</p> <p>2. Added new requirement for development of a plan for teaching and supporting more appropriate behavior; and determining positive methods to prevent the child's behavioral escalations. The plan must be developed in consultation with the parent.</p> <p>8. Added new requirement that permits parents to inspect area used for seclusion.</p> <p>10. Added "behavior antecedents"  Added written report to the parent within two business days.</p> <p>Added requirement for written report to the parent within two business days and opportunity to</p>

Proposed language presented to the Board on April 25, 2013	Proposed current language	Change/Rationale
<p><del>§</del> 8.] Each application of physical restraint or seclusion shall be fully documented in the student's record including date, time, staff involved, justification for the [physical] restraint or seclusion, less restrictive interventions that were unsuccessfully attempted prior to using physical restraint or seclusion, duration, description of method or methods of physical restraint techniques used, signature of the person completing the report and date, and reviewer's signature and date.</p>	<p><u>report to the Virginia Department of Education the number of times restraint and seclusion were used during the school year.]</u></p>	<p>meet with staff.</p> <p>11. Added requirement for reporting on restraint and seclusion. Data will be used for monitoring purposes and additional safeguard.</p>
<p><b>671-690. Suspected child abuse</b> 2. [<del>Promptly referring</del> Reporting as soon as possible, but no later than 24 hours after having a suspicion of a reportable offense [<del>suspected cases</del>] of child abuse and neglect to [the proper authorities and cooperating with child protective services during any investigation]</p>	<p><b>671-690. Suspected child abuse and neglect</b></p> <p><b>No change to proposed language</b></p> <p>The proposed language is consistent with changes to the <i>Child Abuse and Neglect Mandated Reporting</i> law, §63.2-1509, Effective, July 1, 2012.</p>	<p><b>671-690. Suspected child abuse and neglect</b></p> <p>Recommend no change. Mandated reporters are required to report "<i>as soon as possible, but no later than 24 hours</i>" after having a suspicion of a reportable offense. (§63.2-1509, <i>Code of Virginia</i>)</p>
<p><b>*671-700. Serious incident reports.</b> A. Any serious incident, accident, or injury to a student [<del>or medication error</del>] that occurs at the school or a school-sponsored activity shall be reported immediately, [but] no later than [<del>the end of the school day</del>] 24 hours of the occurrence] to the parent, and [licensing agency. For publicly placed students, the home school division and]....</p>	<p><b>671-700. Serious incident reports.</b> A. Any serious incident, accident, or injury to a student [<del>or medication error</del>] that occurs at the school or a school-sponsored activity shall be reported [to the parent] immediately, [but] no later than [<u>the end of the school day.</u>] [<del>to the parent, the student's public school, placing agency, and licensing agency.</del>] [<u>A publicly placed student's home school division and the placing agency shall be notified as soon as possible but not later than 24 hours of the occurrence.</u>]</p>	<p><b>671-700. Serious incident reports.</b> A. Revised language for immediate reporting to the parent but no later than the end of the school day.</p>

### Parent Notification Requirements

The chart below identifies the sections of the proposed regulations that require timelines for reporting to parents.

Section of Proposed Regulations	Proposed requirement for parent notification
670-380. Contingency plans – disaster, emergency, fire ...	...shall notify the parent... <b><u>as soon as possible</u></b>
670-620. Student conduct. Suspension and expulsion	...shall notify the parent <b><u>on the date on which the decision is made</u></b> to suspend or expel a student.
670-660. Managing student behavior in emergency situations.	<b>B. 9. <u>On the day of each incident of physical restraint or seclusion</u>...</b>

Physical restraint and seclusion	B. 10. <b><u>The written report shall be made available to the parent within two business days of the occurrence....</u></b>
670-690. Suspected child abuse and neglect.	B. A case of suspected child abuse or neglect occurring at the school or on a school-sponsored event or excursion shall be <b><u>reported immediately</u></b> to the student's parent....

The following amendment was made at the meeting:

Section 8 VAC 20-671-660. Managing student behavior in emergency situations

[1]. Schools shall collect and annually report to the Virginia Department of Education the number of times restraints and seclusion were used during the school year. **The data shall be disaggregated by students and number of occurrences.**

The Board's discussion included:

- Mr. Foster thanked Dr. Ruffin and staff for including concerned citizens' participation. Mr. Foster also thanked Mr. Braunlich for getting the word out which allowed the Board to receive feedback.
- Mrs. Atkinson noted that the document presented was well structured and made it easier for Board members to see where the changes were. In addition, Mrs. Atkinson said that the compilation of the public comments helped Board members understand where the concerns were in regard to the changes.
- Mr. Braunlich asked how long it takes to get a background check. Mrs. Ruffin said it usually takes approximately two to three weeks and during that time the person can work in the building but not alone with students.
- Mr. Braunlich also asked how the 60-day training is made available. Dr. Ruffin said that many schools coordinate their own training programs, the Department of Education provides schools with training opportunities offered through special education technical assistance, and schools are invited to participate in any training offered to public schools.
- Mrs. Wodiska thanked staff for addressing issues from the April meeting which included background check requirements, 15 clock hours for staff professional development, and consistency in parental notification and engagement. Mrs. Wodiska also thanked private school providers for their support in making these changes.
- Dr. Cannaday noted his appreciation of the process to receive feedback.
- Dr. Cannaday also noted that sequestering may affect some things such as background checks.
- Mrs. Sears thanked staff for responding to the Board's concerns, particularly regarding at least one unannounced visit as clarified in 671-150.

Mr. Foster made a motion to approve the proposed *Regulations Governing the Operation of Private Schools for Students with Disabilities*, 8 VAC20-671-10 et seq. (Final Stage) with amendment of Section 8 VAC 20-671-660, and request repeal of the Board's *Regulations Governing the Operation of Private Day Schools for Students with Disabilities*, 8 VAC 20-670-10 et seq., and authorize the Department of Education to proceed with the requirements of the Administrative Process Act. The motion was seconded by Mrs. Atkinson and carried unanimously.

### **First Review of Proposed Growth Indicators in Response to the 2013 Acts of Assembly**

Mrs. Loving-Ryder presented this item. Her presentation included the following:

- The 2013 Acts of Assembly, Chapter 672, requires the Virginia Board of Education (Board), by July 31, 2013, to approve student growth indicators for use in the Standards of Accreditation and teacher evaluations. This legislation also requires the Board, by October 1, 2014, to report individual school performance based on an A-F grading system that must include student growth indicators in addition to accreditation and state and federal accountability requirements. The Board is required by October 1, 2014, to make both the grading system and individual school grades available to the public and provide a summary report to the General Assembly. The legislation provides a definition of "student growth" for purposes of assigning grades to individual schools.

#### **2013 Acts of Assembly Chapter 672 (HB 1999)**

*An Act to require the Board of Education to develop a grading system for individual school performance.*

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Board of Education shall approve student growth indicators by July 31, 2013. The Department of Education shall provide a report to the Governor and the General Assembly on the approval of the student growth indicators and their uses by December 1, 2013. The growth indicators shall be used in the standards of accreditation of schools and in teacher evaluations.*

§ 2. *The Board of Education shall report individual school performance using a grading system that includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be based on an A-to-F grading scale. The Board, by October 1, 2014, shall (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades.*

§ 3. *As used in this act, for purposes of assigning grades, "student growth" means (i) whether individual students on average fall below, meet, or exceed an expected amount of growth based on a statewide average or reference base year on state assessments or additional assessments approved by the Board; (ii) maintaining a proficient or advanced proficient performance level on state assessments; or (iii) making significant improvement within the below basic or basic level of performance on reading or mathematics assessments as determined by the Board.*

- Proposed growth indicators in reading and mathematics to be used in the development of a school grading system and for accrediting schools will be presented to the Board. Student growth indicators for high schools include college and career readiness measures.
- The Board of Education approved a policy on student growth indicators for purposes of teacher evaluations in the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*, Performance Standard 7, on April 28, 2011. This student academic progress policy for purposes of teacher evaluations has been in effect since July 1, 2012. Student growth indicators may include the Board's growth indicators for school grading and accreditation, if appropriate for the teacher's assignment.

The Board's discussion included:

- Mrs. Atkinson noted the distinction between the two sets of indicators – elementary and middle indicators are based primarily on assessments, and high school indicators are based primarily on college and career readiness indicators. Mrs. Atkinson also stressed that the proposal will come to the Board's Accountability committee again in July, so there will be additional opportunities for detailed discussion, and input from stakeholders. She noted that the proposal is a work in progress, and thanked stakeholders for their input so far.
- Mr. Foster noted that the proposal on the table is just the growth indicators; the Board will come back in the fall to adopt a school grading formula.
- Mr. Braunlich asked the Board to consider how the grading system will be used in the larger context – how the data will be used, what are the ultimate goals?
- Dr. Cannaday noted the importance of discerning what matters most to parents, schools, and the Board, and keeping that in mind as the Board takes action.
- Mr. Foster noted that the Board does not want to create a system of labels which fail to focus attention on schools that are struggling, or fail to recognize progress.
- Dr. Wright said the intended outcome of the growth indicators ought to be to improve schools. She noted that these indicators are intended to look at each individual student and answer the question "Did the child grow?"
- Mrs. Wodiska noted that some Board members have expressed interest in graduation rates being considered as a growth indicator and she hoped there will be openness for this to be included.
- Mr. Braunlich asked if the intention was to measure the high school indicator against some other standard. Dr. Wright indicated that is what the Board will be deliberating on in the formula discussion in the fall.
- Dr. Wright noted there is nothing to prevent the Board from introducing data in the formula or accreditation decisions. The current proposal does not restrict the Board from developing school progress indicators. Dr. Wright noted there is a provision in the growth indicator document that allows the Board to adopt additional indicators.
- Dr. Cannaday noted the importance of pathways to readiness and asked how the Board assesses pathways to readiness as part of the growth formula.
- Dr. Wright noted her concern about creating indicators that increase the burdens on school division data collection.
- Mrs. Wodiska asked if the data collected will be disaggregated. Dr. Wright noted the Board has not been asked to create a disaggregated report card. Mr. Foster said that if an element is added to reward progress in closing achievement gaps then data collected will need to be disaggregated. He noted this is, ultimately, a formula question.
- Mrs. Atkinson said the requirement of the statute is that the Board's grading system and the grade assigned to each school division be made available to the public with a summary sent to the General Assembly by October 2014.
- Mrs. Sears raised concern about credit given to school divisions offering AP and IB courses at the high school level versus other school divisions without such offerings.
- Dr. Wright indicated that equity was always a concern when the indicators were

drafted and that there are sufficient indicators of minimum requirements for every high school. The Standards of Accreditation require school divisions to provide AP, dual enrollment, and career and technical credentials. Dr. Wright said there are no indicators included that are not minimum requirements of schools.

- Mrs. Edwards said the number one factor to impact individual growth is teacher effectiveness in the classroom.
- Mr. Foster expressed some concern with the emphasis on reading and math indicators and that core subjects are not overlooked. Dr. Wright said that the science and history and social science will enter the equation in some manner.

The Board accepted for first review the proposed growth indicators for use in the Standards of Accreditation, a school grading system, and teacher evaluations.

The draft proposal is as follows:

**Student Growth Indicators Approved by the Board of Education  
In Response to 2013 Acts of Assembly, Chapter 672**

**Background and Statutory Authority**

The 2013 Acts of Assembly, Chapter 672, requires the Virginia Board of Education (Board), by July 31, 2013, to approve student growth indicators for use in the Standards of Accreditation and teacher evaluations.

This legislation also requires the Board, by October 1, 2014, to report individual school performance based on an A-F grading system that must include student growth indicators in addition to accreditation and state and federal accountability requirements.

The Board is required by October 1, 2014, to make both the grading system and individual school grades available to the public and provide a summary report to the General Assembly.

The legislation provides a definition of “student growth” for purposes of assigning grades to individual schools.

**2013 Acts of Assembly Chapter 672 (HB 1999)**

*An Act to require the Board of Education to develop a grading system for individual school performance.*

Be it enacted by the General Assembly of Virginia:

**1. § 1.** *The Board of Education shall approve student growth indicators by July 31, 2013. The Department of Education shall provide a report to the Governor and the General Assembly on the approval of the student growth indicators and their uses by December 1, 2013. The growth indicators shall be used in the standards of accreditation of schools and in teacher evaluations.*

**§ 2.** *The Board of Education shall report individual school performance using a grading system that includes the standards of accreditation, state and federal accountability requirements, and student growth indicators in assigning grades. The grading system shall be based on an A-to-F grading scale. The Board, by October 1, 2014, shall (i) assign a grade from A to F to each public school in the Commonwealth; (ii) make both the system and the grade assigned to each school in the Commonwealth available to the public; and (iii) report to the General Assembly a summary of the system and the assigned grades.*

**§ 3.** *As used in this act, for purposes of assigning grades, "student growth" means (i) whether individual students on average fall below, meet, or exceed an expected amount of growth based on a statewide average or reference base year on state assessments or additional assessments approved by the Board; (ii) maintaining a proficient or advanced proficient performance level on state assessments; or (iii) making significant improvement within the below basic or basic level of performance on reading or mathematics assessments as determined by the Board.*

The Board of Education shall approve student growth indicators—criteria for determining growth—for purposes of developing a school grading system and accrediting schools based on reading and mathematics state assessments or

additional assessments approved by the Board in reading and mathematics. Student growth indicators for high schools shall include college and career readiness measures approved by the Board.

The Board will establish in the school grading formula the role of student growth indicators and the criteria for approving assessments other than the state assessments to measure student growth. The Board will establish the school grading formula by October 1, 2013 and report individual school grades by October 1, 2014.

The Board will include in the *Regulations for Accrediting Public Schools in Virginia* the role of student growth indicators and the criteria for approving assessments other than the state assessments to measure growth for school accreditation.

#### Criteria for Approving Additional Student Growth Assessments

The Board of Education may from time to time approve reading and mathematics assessments other than the state assessments to measure student growth for the purposes of accreditation and assigning grades to individual schools. In order for a test to be considered by the Board for approval as an additional assessment to enable schools to meet student growth indicators approved by the Board, the test must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge based;
3. The test must be
  - i. administered on a multistate or international basis, or
  - ii. administered as part of another state's accountability assessment program, or
  - iii. listed on the Virginia Department of Education Student Growth Assessment state contract as an approved student growth assessment for local use; and
4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the area for which student growth is required; and
5. The test must measure and report individual student growth relative to a year's worth of progress.

#### Elementary and Middle School Indicators

In elementary and middle schools, individual students who take the statewide reading and mathematics assessments or additional assessments approved by the Board in reading and mathematics for grades 4-8 and Algebra I, Geometry, and Algebra II shall be assigned a growth status based on the indicators approved by the Board.

In elementary and middle schools, student growth indicators shall include one or more of the following:

1. Percent of students taking the state reading assessment and
  - i. Maintaining a pass/proficient or pass/advanced performance level from one year to the next; or
  - ii. Moving to a higher performance level from one year to the next (progress from basic to proficient or above; progress from proficient to advanced); or
  - iii. Making significant improvement within the below basic or basic performance level (significance to be established after data available for standard setting)
2. Percent of students obtaining a student growth percentile (SGP) on the state reading assessment that indicates moderate or high growth
3. Percent of students obtaining a year's worth of progress as measured on additional reading assessments requested by a school division and approved by the Board
4. Percent of lowest performing 25 percent of students making growth on the state reading assessments or making a year's worth of progress as measured on additional reading assessments requested by a school division and approved by the Board
5. Percent of students taking the state mathematics assessment and
  - i. Maintaining a pass/proficient or pass/advanced performance level from one year to the next; or
  - ii. Moving to a higher performance level from one year to the next (progress from basic to proficient or above; progress from proficient to advanced); or

- iii. Making significant improvement within the below basic or basic performance level (significance to be established after data available for standard setting)
6. Percent of students obtaining a student growth percentile (SGP) on the state mathematics assessment that indicates moderate or high growth
7. Percent of students obtaining a year's worth of progress as measured on additional mathematics assessments requested by a school division and approved by the Board
8. Percent of lowest performing 25 percent of students making growth on the state mathematics assessments or making a year's worth of progress as measured on additional mathematics assessments requested by a school division and approved by the Board

The Board of Education may from time to time approve additional student growth indicators and additional assessments for measuring student growth.

#### High School Indicators

High school students are not required to take annual state assessments in reading and mathematics; students meet college and career readiness indicators at different times during their high school career. To determine individual student growth, a growth status shall be assigned to each student at the end of the 12<sup>th</sup> grade based on the student meeting one or more growth indicators approved by the Board. Additional indicators of college and career readiness shall be approved by the Board and calculated as school-wide or cohort percentages of students.

In high schools, student growth indicators shall include one or more of the following:

1. Percent of graduates earning an advanced studies diploma
2. Percent of graduates earning a score of advanced/college path on one or more of the following Standards of Learning (SOL) tests
  - i. Algebra II
  - ii. EOC Writing
  - iii. EOC Reading
3. Percent of graduates earning a standard diploma and two or more Board-approved career and technical education credentials
4. Percent of graduates earning a standard diploma and at least 3 dual enrollment credits
5. Percent of graduates earning a standard diploma and "college ready" scores on SAT or the ACT
6. Percent of graduates earning a standard diploma and a score of "3" or greater on at least one Advanced Placement (AP) exam
7. Percent of graduates earning a standard diploma and "college ready" scores on at least one International Baccalaureate (IB) exam
8. Percent of graduates earning a standard diploma and successfully completing courses in Algebra II and Chemistry or earning passing scores on the state end-of-course exams
9. Percent of students participating in an AP, IB, or dual enrollment course out of the total number of 11<sup>th</sup> and 12<sup>th</sup> grade students (participants also include students in grades 9-10)
10. Percent of graduates earning a standard or advanced studies diploma who failed the Grade 8 reading or mathematics state assessment

The Board of Education may from time to time approve additional student growth indicators and additional assessments for measuring student growth.

#### **Student Growth Indicators—Teacher Evaluations**

The use of student growth indicators for evaluating teachers shall be consistent with the Board's policy for rating Performance Standard 7 in the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*, effective July 1, 2012.

Student growth indicators for purposes of evaluating teachers may include the Board's growth indicators for school grading and accreditation, if appropriate for the teacher's assignment. State assessments, additional assessments that

already are being used locally, and other measures of student academic progress may be used to determine student growth. Appropriateness shall be determined at the local level.

Excerpts of the Board's *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*, April 28, 2011 (pp.42-44) related to student academic progress follow.

*Performance Standard 7: Student Academic Progress*

*The work of the teacher results in acceptable, measurable, and appropriate student academic progress.*

*The Uniform Performance Standards and Evaluation Criteria incorporate student academic progress as a significant component of the evaluation while encouraging local flexibility in implementation. These guidelines recommend that student academic progress account for 40 percent of an individual's summative evaluation. There are three key points to consider in this model:*

- 1. Student learning, as determined by multiple measures of student academic progress, accounts for a total of 40 percent of the evaluation.*
- 2. At least 20 percent of the teacher evaluation (half of the student academic progress measure) is comprised of student growth percentiles as provided from the Virginia Department of Education when the data are available and can be used appropriately.*
- 3. Another 20 percent of the teacher evaluation (half of the student academic progress measure) should be measured using one or more alternative measures with evidence that the alternative measure is valid. **Note:** Whenever possible, it is recommended that the second progress measure be grounded in validated, quantitative, objective measures, using tools already available in the school.*

*It is important to understand that less than 30 percent of teachers in Virginia's public schools will have a direct measure of student academic progress available based on Standards of Learning assessment results. When the state-provided growth measure is available, it is important that the data be reviewed for accuracy and appropriateness before including in a teacher's performance evaluation. Guidance for applying student growth percentiles to teacher performance evaluation are provided in Figure 4.3. It is important to recognize that, there must be additional measures for all teachers to ensure that there are student academic progress measures available for teachers who will not be provided with data from the state, and to ensure that more than one measure of student academic progress can be included in all teacher's evaluations. Quantitative measures of student academic progress based on validated achievement measures that already are being used locally should be the first data considered when determining local progress measures; other measures are recommended for use when two valid and direct measures of student academic progress are not available.*

*In choosing measures of student academic progress, schools and school divisions should consider individual teacher and schoolwide goals, and align performance measures to the goals. In considering the association between schoolwide goals and teacher performance, it may be appropriate to apply the state growth measure -- student growth percentiles (SGP) -- as one measure of progress for teachers who provide support for mathematics or reading instruction. For example, a school-level median growth percentile could be applied to all teachers in a grade-level, department, or whole school as one of multiple measures for documenting student academic progress. This would be appropriate only if all teachers were expected to contribute directly to student progress in mathematics or reading. Ultimately, the choice of how to apply student growth percentiles to teachers who are supporting mathematics and reading achievement would be a local one; it is critical that decisions to apply SGP data to support teachers as part of their evaluation must be made in a manner that is consistent with individual, school or school division goals.*

*In considering schoolwide goals, school leaders could decide that all teachers would be evaluated, in part, based on state-provided student growth percentiles...*

*Other measures of student academic progress are critical for determining teacher impact on performance. To the extent possible, teachers and administrators should choose measures of student academic progress that are based on validated quantitative measures, and provide data that reflect progress in student learning. Validated assessment tools that provide quantitative measures of learning and achievement should be the first choice in measuring student academic progress. Often, a combination of absolute achievement, as measured by nationally validated assessments and goal setting (described later in this document) is appropriate.*

*There also are teachers for whom validated achievement measures are not readily available. In these situations, student goal setting provides an approach that quantifies student academic progress in meaningful ways and is an appropriate option for measuring student academic progress.*

**First Review of Permanent Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia ( 8 VAC 20-131) to Replace the Emergency Amendments Required by HB 1061 and SB 489 (2012) (Proposed Stage)**

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

- The 2012 General Assembly passed, and the Governor signed into law, HB 1061 and SB 489, which amend § 22.1-253.13:4 of the *Code of Virginia* to strengthen postsecondary education and workplace readiness opportunities for all students, and to consolidate the number of Board of Education-approved diplomas. The legislation says, in part:

D. In establishing course and credit requirements for a high school diploma, the Board shall:

... 2. Establish the requirements for a standard, ~~modified standard, or~~ *and an advanced studies high school diploma*, which shall *each include at least one credit in fine or performing arts or career and technical education and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. ~~Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment, shall be identified in the Academic and Career Plan as described in Board of Education regulations, and shall be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board.~~ Such focused sequence of elective courses shall provide a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.*

*Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to earn a career and technical education credential that has been approved by the Board, that could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.*

*The Board shall make provision in its regulations for students with disabilities to earn a standard diploma.*

~~3. Establish the requirements for a technical diploma. This diploma shall meet or exceed the requirements of a standard diploma and will include a concentration in career and technical education, as established in Board regulations. A student who meets the requirement for the advanced studies diploma who also fulfills a concentration in career and technical education shall receive an advanced technical diploma, or if he chooses, he shall receive an advanced studies diploma. The Board may develop or designate assessments in career and technical education for the purposes of awarding verified credit pursuant to subdivision 6. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of one virtual course. The virtual course may be a noncredit-bearing course.~~

The legislation also contains a second enactment clause to require the Board of Education to adopt emergency regulations to implement these changes.

2. That the Board of Education shall eliminate technical diplomas that have not been implemented and shall promulgate regulations to implement the other provisions of this act to be effective within 280 days of its enactment.

The Administrative Process Act, in § 2.2-4011 of the *Code*, sets forth the provisions that apply to the promulgation of emergency regulations. It says, in part:

B. Agencies may also adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of subdivision A. 4. of § [2.2-4006](#). In such cases, the agency shall state in writing the nature of the emergency and of the necessity for such action and may adopt the regulations. Pursuant to § [2.2-4012](#), such regulations shall become effective upon approval by the Governor and filing with the Registrar of Regulations.

C. All emergency regulations shall be limited to no more than twelve months in duration. During the twelve-month period, an agency may issue additional emergency regulations as needed addressing the subject matter of the initial emergency regulation, but any such additional emergency regulations shall not be effective beyond the twelve-month period from the effective date of the initial emergency regulation. If the agency wishes to continue regulating the subject matter governed by the emergency regulation beyond the twelve-month limitation, a regulation to replace the emergency regulation shall be promulgated in accordance with this article. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be filed with the Registrar within sixty days of the effective date of the emergency regulation and published as soon as practicable, and the proposed replacement regulation shall be filed with the Registrar within 180 days after the effective date of the emergency regulation and published as soon as practicable.

- The emergency regulations that were approved by the Board on June 28, 2012, became effective on June 5, 2013. The proposed amendments are exactly the same as the emergency regulations, and include the following provisions to comport with the 2012 legislation:
  - ✓ The proposed regulations would require that, beginning with first-time ninth graders in the 2013-2014 school year, students must earn a career and technical education credential that has been approved by the Board in order to graduate with a Standard Diploma. This credential could include, but not be limited to, the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.
  - ✓ The regulations would fold the Modified Standard Diploma into the Standard Diploma, and the Board of Education would establish, through guidelines, credit accommodations for students with disabilities. Such credit accommodations for students with disabilities may include:
    - Approval of alternative courses to meet the standard credit requirements;
    - Modifications to the requirements for local school divisions to award locally awarded verified credits;
    - Approval of additional tests to earn a verified credit;
    - Adjusted cut scores required to earn verified credit; and
    - Allowance of work-based learning experiences.
- The proposed regulations would require that students pursuing a Standard or Advanced Studies Diploma successfully complete one virtual course, which may be a noncredit-bearing course.
- The Standard Technical Diploma and the Advanced Technical Diploma would be eliminated. These diplomas have not yet been implemented.
- Consistent with the legislation, the regulations would specify that the Advanced Studies Diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the Standard and the Advanced Studies Diploma shall prepare students for postsecondary education and the career readiness required by the Commonwealth's economy.

Several minor technical changes to the first draft of the regulations are proposed:

- In 8 VAC 20-131-50, subsection C, on page 13, the reference to subsection K would be changed to subsection H.
- In 8 VAC 20-131-50, on page 17, subsections M and N would be changed to subsections J and K.

- Language would be added to 8 VAC 20-131-50, subsection J, on page 17, to clarify that the provisions about Advanced Placement, dual enrollment, and International Baccalaureate courses apply to Standard and Advanced Studies Diplomas.
- Language would be added to 8 VAC 20-131-360, subsection B, on page 28, to clarify that the provision about the new graduation requirements effective with the ninth-grade class of 2013-2014 refers to the Standard and Advanced Studies Diplomas.

The Board accepted for first review the proposed permanent amendments to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (proposed stage).

**First Review of Notice of Intended Regulatory Action (NOIRA) for amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131**

Mrs. Wescott also presented this item. Her presentation included the following:

- Section 22.1-253.13:3 of the *Code of Virginia* says, in part:

The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ [2.2-4000](#) et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia....

- There were several bills passed by the 2012 and 2013 General Assembly that require regulatory changes.
  - HB 642 and SB 514 (2012) would add three points to the Graduation and Completion Index for each student who earns a diploma and a CTE credential.
  - HB 1999, SB 1167, and SB 1207 (2013) would require the Board to approve student growth indicators to be used in the Standards of Accreditation.
  - HB 2028 and SB 986 (2013) would 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) would require 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 lock-down drills every year, one in September and one in January.
- This will also provide the Board of Education with the opportunity to conduct a comprehensive review of the regulations. The last comprehensive revision to the regulations was conducted in 2009. The Board may wish to address such topics as accreditation ratings, closing the achievement gap, rewards and recognitions, and flexibility provisions, in addition to those topics required by legislation.

Mr. Foster made a motion to waive first review and approve the Notice of Intended Regulatory Action (NOIRA) for the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. The motion was seconded by Mrs. Sears and carried unanimously.

**First Review of Recommended Cut Scores for the Virginia Alternate Assessment Program (VAAP) in Reading and Mathematics for Grades 3-8 and High School, in Writing for Grades 5, 8, and High School and in Science for Grades 3, 5, 8, and High School**

Mrs. Loving-Ryder presented this item. Her presentation included the following:

- The Virginia Alternate Assessment Program (VAAP) is intended to assess the achievement of students with significant cognitive disabilities who are unable to participate in the Standards of Learning (SOL) assessment program. A compilation of student work called a Collection of Evidence is prepared for students participating in VAAP. Work samples used for the Collections of Evidence are intended to demonstrate the student's achievement of the Aligned Standards of Learning (ASOL) which are based on the Standards of Learning (SOL) but reduced in depth and complexity. Students must submit work samples for one ASOL in each reporting category for each subject area. Work samples are scored on a four point scale with a score of 1 representing *little evidence* that the student has demonstrated the skills and knowledge stated in the ASOL being addressed and a score of 4 representing *ample evidence* that the skills and knowledge have been demonstrated. Typically when new SOL are adopted by the Board of Education, new ASOL for students participating in VAAP are also developed.
- In 2011 Virginia joined a consortium of 13 states that are working together to develop a new type of alternate assessment for students with significant cognitive disabilities. This consortium, called The Dynamic Learning Maps (DLM) Alternate Assessment System Consortium, is developing assessments in reading, writing, and mathematics which will be available for administration in the 2014-2015 school year. The DLM assessments will be administered online and will be computer adaptive so that students taking the assessments will be provided with items/tasks that are appropriate to their ability levels. In addition, the assessments will be instructionally embedded so that students will participate throughout the year rather than being assessed at one point in time. While most students will be able to take the assessment online, teachers will be able to provide an alternate method of testing for students who cannot access the assessment online. The content standards for the DLM assessments, which are based on the Common Core State Standards and aligned to Virginia's SOL, are referred to as the "essential elements" and have been developed to provide access to students at even the lowest levels of cognitive functioning.
- In 2012-2013 new assessments in reading, writing, and science, based on the SOL adopted by the Board in 2010, were administered for the first time. As a result of this change, new ASOL based on these new SOL were developed for use with VAAP collections in these content areas. In preparation for the transition to the new DLM assessments in 2014-2015, the ASOL for reading and writing used to develop the VAAP collections in 2012-2013 were based on the DLM essential elements. In addition, based on feedback from school divisions, the mathematics ASOL used in 2012-2013 for the VAAP collections were also revised to reflect the DLM content. Because the DLM essential elements do not include science, the ASOL for science are based on the SOL adopted by the Board in 2010. Because of the change in content represented by the ASOL in reading, writing, mathematics and science, new cut scores for the VAAP collections in these content areas must be approved. In June 2013 committees of special educators were convened to review VAAP Collections of Evidence for reading, writing, mathematics and science and to recommend cut scores for pass/proficient and pass/advanced to the Virginia Board of Education.

Mrs. Beamer made a motion to waive first review and adopt cut scores for the achievement levels of pass/proficient and pass/advanced for the VAAP in mathematics, reading, writing and science so that student scores can be reported and federal accountability ratings can be calculated without delay. The motion was seconded by Mrs. Atkinson and carried unanimously.

Reading

- Grade 3: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 4: 8 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 5: 8 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 6: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 7: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 8: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- High School: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced

Mathematics

- Grade 3: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 4: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 5: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 6: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 7: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- Grade 8: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced
- High School: 7 out of 12 points for pass/proficient and 10 out of 12 points for pass/advanced

Writing

- Grade 5: 5 out of 8 points for pass/proficient and 8 out of 8 points for pass/advanced
- Grade 8: 5 out of 8 points for pass/proficient and 8 out of 8 points for pass/advanced
- High School: 5 out of 8 points for pass/proficient and 7 out of 8 points for pass/advanced

Science

- Grade 3: 9 out of 16 points for pass/proficient, and 14 out of 16 points for pass/advanced
- Grade 5: 9 out of 16 points for pass/proficient, and 14 out of 16 points for pass/advanced
- Grade 8: 12 out of 20 points for pass/proficient, and 18 out of 20 points for pass/advanced
- High School: 12 out of 20 points for pass/proficient, and 18 out of 20 points for pass/advanced

**Report on Updates to Petersburg City Public Schools' Corrective Action Plan Required by the Memorandum of Understanding with the Virginia Board of Education**

Mrs. Loving-Ryder presented this item. Her presentation included the following:

- On November 17, 2009, the Board of Education (BOE) revised the Memorandum of Understanding (MOU) for Petersburg City Public Schools. This MOU will remain in effect until all schools are *Fully Accredited*. As required by the MOU, Petersburg City Public Schools developed a corrective action plan beginning in the 2009-2010 school year.
- Petersburg City Public Schools last provided a report on the MOU to the School and Division Accountability Committee of the Virginia Board of Education on February 28, 2013. Information was provided on the key priorities of the MOU: Enhanced Leadership Capacity; Improved Student Achievement; Improved Teacher Quality; Strengthen Communications with all Stakeholders; and Promote a Safe and Secure Environment.
- At the February 28, 2013, meeting, the Board requested that Petersburg City Schools provide an update at the June 27, 2013, meeting on the revisions to the corrective action plan, specifically, revisions that impact teacher licensure, teacher retention strategies, and teacher recruitment strategies.
- At this time Petersburg City Schools is in the process of revising the corrective action plan. This plan should be completed for review by the BOE by September 26, 2013. At the June 2013 meeting, the Superintendent of Petersburg City Public Schools will provide an update on certain strategies, indicated above, as requested by the BOE. These strategies will subsequently be included in the updated corrective action plan.

- Federal school improvement funds are being used to provide technical assistance and monitoring of the MOU.

Dr. Joseph Melvin, division superintendent, Petersburg City Public Schools, presented recruitment and retention updates. Petersburg also presented details about their Corrective Action Plan.

The Board's discussion included:

- Mrs. Sears indicated appreciation of the progress made by Petersburg Public Schools since the MOU began in 2009.
- Mrs. Beamer was concerned that teachers who were let go would be rehired because they are not tracked as to where they are going. Dr. Melvin said there are new personnel procedures in place that require the superintendent's approval before offering positions.
- Mrs. Wodiska urged Petersburg to continue expressing feedback of what they need from the Board and the Department. Mrs. Wodiska said that the old corrective action plan does not provide the Board with baseline information. She asked Petersburg to develop (1) a quarterly, six month, and year timeline of where they expect to be and what they are trying to accomplish; (2) a new corrective action plan including more detailed information in terms of timelines and baseline data of where Petersburg is right now; and (3) a monthly update for school board members so everyone will be on the same page.
- Mr. Braunlich asked Dr. Wright if the state will receive a profile of how many teachers are proficient as teacher evaluations are completed. Dr. Wright said the state is following a federal requirement and it compiles a report on school improvement, but will ask staff to make sure they have aggregated data for Board members.
- Mrs. Edwards praised Petersburg for the successful Career Fair that was held to secure qualified teachers and expressed hope that Petersburg will construct a mentoring program in order to retain effective teachers.
- Mrs. Sears asked Dr. Melvin about the 7-point priority plan.
- Mrs. Wodiska asked Dr. Melvin to consider providing meals next summer and at after school programs. Mr. Kenneth Pritchett, Chairman of the Petersburg School Board, indicated meals are currently provided this summer through programs at the Boys and Girls Club and library.
- Mrs. Atkinson asked that Petersburg provide information for the Board's review in advance of the September meeting.

The Board accepted the report on updates to Petersburg City Public Schools' corrective action plan.

**Report on Surveys Regarding Parental Notification Related to Controversial or Sensitive Materials**

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Her presentation included the following:

- At its meeting on February 28, 2013, the Virginia Board of Education approved proposed revisions to the [Regulations Governing Local School Boards and School Divisions \(8VAC20-720\)](#) that require local school boards that adopt *textbooks* other than those approved by the Board of Education to seek from the publishers of such books a certification of content accuracy and an agreement to correct, at the publishers' expense, any content or editorial errors. Another section within the same Regulations addresses the selection and utilization of *instructional materials* by local school boards:

[8VAC20-720-160](#). Instructional materials.

- A. Local school boards shall be responsible for the selection and utilization of instructional materials.
- B. Local school boards shall adopt policies and criteria for the selection of instructional materials that shall include, at a minimum:
  1. The rights of parents to inspect, upon request, any instructional materials used as part of the educational curriculum for students, and the procedure for granting a request by a parent for such access, in accordance with the Protection of Pupil Rights Amendment, 20 USC § 1232H, and its implementing regulation, 34 CFR Part 9;
  2. The basis upon which a person may seek reconsideration of the local school board's selection of instructional materials, including but not limited to materials that might be considered sensitive or controversial, and the procedures for doing so; and
  3. Pursuant to § [22.1-253.13:7](#) of the Code of Virginia, clear procedures for handling challenged controversial materials.

- During the February meeting, Board members discussed whether or not the section on instructional materials ([8VAC20-720-160](#)) should also include language related to parental notification, alternative materials, and/or opt-out provisions.
- In order to assist in future decision making, the Board of Education requested the Virginia Department of Education (VDOE) to collect information from school divisions regarding their policies on selecting and utilizing instructional materials. Questions were to be developed related to:
  1. Advance parental notification of sensitive or controversial materials, and
  2. Opportunities for parents to request alternative materials for their children.
- The Department was also asked to seek input from the membership of the Virginia School Boards Association (VSBA), the Virginia Education Association (VEA), the Virginia Parent-Teacher Association (PTA), the Virginia Association for Elementary School Principals (VAESP) and the Virginia Association for Secondary School Principals (VASSP) regarding policies within their school divisions on selecting and utilizing instructional materials, especially related to the same two items.
- From August 1, 2012, to June 15, 2013, the Board of Education received comments delivered during public comment periods preceding Board meetings as well as 54 e-mails and 3 letters from 44 individuals, urging the Board to extend the parental notification and opt-out provisions of the existing Family Life Education regulations to other subject areas.
- With the assistance of Board members and input from questions raised in written correspondence to the Board, the VDOE developed two online surveys to collect the requested information, one for public school divisions and one for the five professional organizations. For the purposes of the survey, *instructional materials* were defined as materials used for classroom instruction that are not part of the textbook approval process.

- On April 16, 2013, e-mail requests containing the link to the online survey were sent to division superintendents and the contacts for the five professional organizations, with a response requested by May 3, 2013. On May 6, 2013, a reminder was sent to those school divisions and organizations that had not responded.

Summary of School Division Survey Questions and Responses

By May 10, 2013, 108 school divisions (81.8%) had responded to the survey. A summary of the school division survey responses is below.

Percentages shown are based on the number of school divisions that responded to the *question*, not the total number of divisions that responded to the *survey*. Percentages may not total 100 percent due to rounding.

	Yes	No	Don't Know	Answered Question / Skipped Question
<b>1. Which school division do you represent?</b>	108 (81.8%) of 132 school divisions responded to the survey.			
<b>2. Does your school division have a policy related to the selection and utilization of instructional materials?</b>	106 98.2%	1 .9%	1 .9%	108 100%
<b>3. Does your Instructional Materials Policy require that parents receive advance notice prior to the use of potentially sensitive or controversial materials in the classroom?</b>	51 48.1%	48 42.3%	7 6.6%	106 / 2 98.2% / 1.8%
<b>4. If yes, when must the advance notice occur?</b>	When the student enrolls in the course for the next year At the beginning of the school year Just prior to use of the instructional materials No specific time period Don't know			2 / 3.9% 13 / 25.5% 16 / 31.4% 20 / 39.2% 0
	# School divisions that answered the question			51
	# School divisions that skipped the question			57
<b>5. If yes, does the notice include a description of the topics, vocabulary, or content that are sensitive or controversial?</b>	31 62.0%	16 32.0%	3 6.0%	50 / 1 98.0% / 2.0%

	Yes	No	Don't Know	Answered Question / Skipped Question
<b>6. How does your school division define "sensitive or controversial materials"?</b>	<ul style="list-style-type: none"> <li>• Related to Family Life Education – 24 / 24.2%</li> <li>• No definition (with no further clarification) – 21 / 21.2%</li> <li>• No normal definition, but with clarification – 11 / 11.1%</li> <li>• Specific school division policies cited – 11 / 11.1%</li> <li>• Defined by the parent/community – 7 / 7.0%</li> <li>• Materials on which individuals have differing opinions – 5 / 5.0%</li> <li>• Materials that are biased or discriminatory – 5 / 5.0%</li> <li>• Don't know/not sure – 2 / 2.0%</li> <li>• Other responses – 13 / 13.1%</li> </ul>			99 / 9 91.7% / 8.3%
<b>7. How did your school division arrive at this definition?</b>	<ul style="list-style-type: none"> <li>• School board policy development process – 17 / 19.8%</li> <li>• Not applicable because no definition exists – 16 / 18.6%</li> <li>• Based on policy guidelines of the Virginia School Boards Association – 13 / 15.0%</li> <li>• Prevailing practice – 10 / 11.6%</li> <li>• Committee approach – 9 / 10.5%</li> <li>• Don't know/not sure – 9 / 10.5%</li> <li>• Related to Family Life Education – 5 / 5.8%</li> <li>• Other responses – 7 / 8.1%</li> </ul>			86 / 22 79.6% / 20.4%
<b>8. Does your policy contain an opt-out procedure that allows a student to be excused from all or part of the classroom instruction related to sensitive or controversial materials?</b>	78 73.6%	17 16.0%	2 1.9% N/A 9 / 8.5%	106 / 2 98.2% / 1.8%
<b>9. Is the parent's permission required for a student to opt out of using certain materials or engaging in certain assignments?</b>	88 82.2%	4 3.7%	1 .9% N/A 14 / 13.1%	107 / 1 99.1% / .9%
<b>10. Are alternate materials or assignments required if the student is permitted to opt out?</b>	73 68.9%	14 13.2%	4 3.8% N/A 15 / 14.2%	106 / 2 98.2% / 1.8%

	Yes	No	Don't Know	Answered Question / Skipped Question
<p><b>11. What would be the benefit to your school division if there were statewide regulations requiring advance notification to parents about the intended use of sensitive or controversial materials?</b></p>	<p><i>Benefits</i></p> <ul style="list-style-type: none"> <li>• Would provide consistency across the Commonwealth – 26 / 25.7%</li> <li>• Would be helpful and provide clarity in making local decisions – 11 / 10.9%</li> <li>• Not necessary, but a definition or guidance on what is “controversial or sensitive” would be helpful – 8 / 7.9%</li> <li>• More awareness by parents – 3 / 3.0%</li> </ul> <p><i>No Benefits or No Need</i></p> <ul style="list-style-type: none"> <li>• Would not be beneficial because personal and/or community values differ too much – 17 / 16.8%</li> <li>• No need because current practice is working – 15 / 14.9%</li> <li>• No need, with no further elaboration – 15 / 14.9%</li> </ul> <p>Not sure – 6 / 5.9%</p>			<p>101 / 7</p> <p>93.5% / 6.5%</p>
<p><b>12. What burdens might be imposed on your school division if there were statewide regulations requiring advance notification to parents about the intended use of sensitive or controversial materials?</b></p>	<p><i>Burdens</i></p> <ul style="list-style-type: none"> <li>• Would be difficult to impose a statewide definition on values determined at the community level – 31 / 31.6%</li> <li>• Would require more administrative work and/or present a fiscal burden – 28 / 28.6%</li> <li>• May create issues where there are currently none – 4 / 4.1%</li> <li>• Would interfere with instruction – 2 / 2.0%</li> </ul> <p><i>No Burdens</i></p> <ul style="list-style-type: none"> <li>• Would not present a burden – 17 / 17.3%</li> <li>• Would depend on the requirements of the regulations – 10 / 10.2%</li> <li>• Other responses – 6 / 6.1%</li> </ul>			<p>98 / 10</p> <p>90.7% / 9.3%</p>
<p><b>13. What would be the benefit to your school division if there were statewide regulations requiring the development of options for alternative materials in cases where sensitive or controversial materials are used or topics are discussed?</b></p>	<p><i>Benefits</i></p> <ul style="list-style-type: none"> <li>• Would provide consistency across the state – 17 / 17.5%</li> <li>• Could/would create resources to inform decision making in the school divisions – 11 / 11.3%</li> <li>• Would require local school boards to take action – 2 / 2.1%</li> </ul> <p><i>No Benefits or No Need</i></p> <ul style="list-style-type: none"> <li>• Not necessary; Board of Education guidance is sufficient – 50 / 51.5%</li> <li>• Not the role of the state; school divisions can and do make these decisions locally – 8 / 8.2%</li> </ul> <p>Not sure – 2 / 2.1%</p> <p>Other responses – 7 / 7.2%</p>			<p>97 / 11</p> <p>89.8% / 10.2%</p>

	Yes	No	Don't Know	Answered Question / Skipped Question
<p><b>14. What burdens might be imposed on your school division if there were statewide regulations requiring the development of options for alternative materials in cases where sensitive or controversial materials are used or topics are discussed</b></p>	<p><i>Burdens</i></p> <ul style="list-style-type: none"> <li>• Would require more administrative work and/or present a fiscal burden – 39 / 41.1%</li> <li>• Would interfere with local authority and/or local values – 12 / 12.6%</li> <li>• May create unintended consequences; current policies are adequate – 11 / 11.6%</li> <li>• Would interfere with instruction – 5 / 5.3%</li> <li>• Would be difficult to interpret/apply the state's definition of "controversial or sensitive" at the local level – 4 / 4.2%</li> <li>• Would require further policy development – 4 / 4.2%</li> </ul> <p><i>No Burdens</i></p> <p>Would not present a burden – 15 / 15.8%</p> <p>Would depend on the requirements of the regulations – 4 / 4.2%</p> <p>Don't know – 1 / 1.1%</p>			<p>95 / 13</p> <p>88.0% / 12.0%</p>
<p><b>15. Is there any additional information on this topic you wish to add?</b></p>	<ul style="list-style-type: none"> <li>• No/not applicable – 27 / 47.4%</li> <li>• No need for a statewide policy; should be a local decision and local policies are adequate – 12 / 21.1%</li> <li>• Parental notification and/or opt-out provisions already exist in local policy – 7 / 12.3%</li> <li>• Would be an unfunded mandate that adds to administrative burden – 4 / 7.0%</li> <li>• No need for the state to regulate an area that is not of substantial concern across the entire Commonwealth – 3 / 5.3%</li> <li>• Other responses – 4 / 7.0%</li> </ul>			<p>57 / 51</p> <p>52.8% / 47.2%</p>

### Summary of Professional Organization Survey Questions and Responses

By May 14, 2013, the Department had received survey responses from all five organizations [Virginia School Boards Association (VSBA), Virginia Education Association (VEA), Virginia Parent-Teacher Association (PTA), Virginia Association for Elementary School Principals (VAESP) and Virginia Association for Secondary School Principals (VASSP)]. The responses are listed below.

1. In general, are your members aware of their school division policies related to the selection and utilization of instructional materials?

All organizations responded "yes."

2. What would be their position on statewide regulations requiring advance notification to parents about the intended use of sensitive or controversial materials?

Virginia PTA	No issues with this. Want parents to be notified.
Virginia Association of Elementary School Principals	<p>Parents have the right to know and should be given an opportunity to preview sensitive material. This would be burdensome for school boards because what one person deems sensitive or controversial another might not, so one will always be second guessing. Since parents already have the right to inspect the curriculum and the instructional materials at any time, then this right should suffice.</p> <p>I do not feel we should mandate advance notification to parents about the intended use of sensitive or controversial material. I have mixed feelings about this...at the elementary level, we often offer such notice but it is hard to predict what people will take issue with. In the past 5 years, I have had parents raise objections to a video about slavery, the DARE program (one for concern about informing kids about drugs, another objecting to our use of the program because they feel drugs should be legal), a book in our library about Muslim holidays that was displayed along with other books about religions, etc.</p> <p>We had those who wanted to talk about Newtown and those who did not and of course those who "opted out" of allowing students to watch the President's back to school address. In an era of conspiracy theories, birthers, etc., it is nearly impossible to predict what is "sensitive or controversial."</p>
Virginia Association of Secondary School Principals	<p>Responses from VASSP board members regarding selection of textbook materials indicated that they had not observed problems in their school divisions with the current local process. Moreover, they do not believe that state definitions or regulations are appropriate or necessary in the area of local textbook adoption. Creating an additional bureaucratic process where little if any problem exists is unnecessary and could lead to additional expense for local school divisions.</p> <p>Our sampling indicates that the localities represented by our membership have broad, general parameters to follow regarding sensitive or controversial material and work to provide alternative assignments when requested.</p> <p>The VASSP Board believes that a local process should be maintained and that the state should respect that localities have varying priorities.</p>
Virginia Education Association	I think there would be concern on what was defined as sensitive and controversial materials. What is sensitive in one area may not be in another. The regulations would have to be very broad.
Virginia School Boards Association	No response

3. What are the pros and cons of such a statewide regulation?

Virginia PTA	<p><i>Pros</i> All parents would be notified</p> <p><i>Cons</i> None listed</p>
Virginia Association of Elementary School Principals	<p><i>Pros</i></p> <ul style="list-style-type: none"> <li>• Open communication of all stakeholders</li> <li>• Input from all stakeholders</li> </ul>

	<ul style="list-style-type: none"> <li>• Everyone would be informed</li> </ul> <p><i>Cons</i></p> <ul style="list-style-type: none"> <li>• Open for more scrutiny and more conflict or complaints from stakeholders</li> <li>• Transparency</li> <li>• The aspect of double communication</li> <li>• Reaffirming our commitment to students and our community</li> <li>• Finding time or creating a process for parents to view the materials</li> <li>• The difficulty in anticipating all concerns and where do we draw the line</li> </ul>
Virginia Association of Secondary School Principals	No response
Virginia Education Association	<p><i>Pros</i></p> <p>Consistency across the state</p> <p><i>Cons</i></p> <p>Too restrictive and not applicable to particular areas of the state</p>
Virginia School Boards Association	No response

4. What would be their position on a statewide regulation requiring the development of *options for alternative materials* in cases where sensitive or controversial materials are used or topics are discussed?

Virginia PTA	Notify parents
Virginia Association of Elementary School Principals	<p>I think if there were a statewide regulation, then there should be options available for alternative materials. There should be a variety of resources available to cover the material that would be appropriate for all students.</p> <p>Why would the state choose to adopt controversial materials? I feel that it is moving in this direction no matter what so I would say, keep the options simple, reasonable and achievable (meaning monetarily and with minimum “red tape”).</p> <p>Again, seems like opening the door to many issues. In addition, what would keep a parent from objecting to an entire unit of study or teaching practice and using this to demand an alternate? After our struggles with math textbook adoption, I could see parents claiming that nontraditional algorithms are controversial and asking for an alternative math curriculum.</p>
Virginia Association of Secondary School Principals	No response
Virginia Education Association	They would be very opposed to the state setting requirements for alternative materials. In the systems that have tackled this issue, materials have already been developed by either the division, the school, or the individual teacher.
Virginia School Boards Association	No response

5. What are the pros and cons of such a statewide regulation?

Virginia PTA	None listed
Virginia Association of Elementary School Principals	<p><i>Pros</i></p> <ul style="list-style-type: none"> <li>• Everyone is included</li> </ul>

	<ul style="list-style-type: none"> <li>• Choice</li> <li>• Reaffirming our commitment to students and our community</li> </ul> <p><i>Cons</i></p> <ul style="list-style-type: none"> <li>• Cost of alternative materials</li> <li>• It might not be a simple, reasonable, or achievable option.</li> <li>• The difficulty in anticipating all concerns and where do we draw the line.</li> </ul>
Virginia Association of Secondary School Principals	None listed
Virginia Education Association	<p><i>Pros</i></p> <p>None</p> <p><i>Cons</i></p> <p>Making more work for teachers/systems where the materials have already been developed.</p>
Virginia School Boards Association	No response

6. Is there any additional information on this topic you wish to add?

Virginia PTA	No response
Virginia Association of Elementary School Principals	No
Virginia Association of Secondary School Principals	No response
Virginia Education Association	<p>I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that. —Justice Potter Stewart, concurring opinion in <i>Jacobellis v. Ohio</i> 378 U.S. 184 (1964), regarding possible obscenity in <i>The Lovers</i>.</p> <p>It is impractical for the State Board of Education to set meaningful guidelines on what are and are not sensitive or controversial materials. They will either be viewed as too restrictive or not restrictive enough. It is a decision best left to the individual school boards and the communities they serve.</p>
Virginia School Boards Association	No response

The Board's discussion included:

- Mr. Foster noted that it could be helpful and practical to have advanced notice to parents and students of sensitive and controversial materials. He also noted that it would be difficult for Board members located in Richmond to say what is sensitive and controversial in all schools in Virginia and that it may be best left to the local school boards. Mr. Foster added that if the Board was to take action, it would make sense to have some alternative materials available for students opting out.
- Dr. Cannaday indicated that this should be left to the local school boards because they already have a process to inform parents and students about what is going to be taught, how it is going to be taught, the materials available for them to use, and if there are things that are objectionable.

- Mrs. Beamer said she concurs with Dr. Cannaday and encouraged school divisions that do not have a process to develop one.
- Mrs. Edwards noted that approximately 40 percent of school divisions do not have a process to notify parents.
- Mrs. Sears was concerned about the number of school divisions that did not respond to the survey and that 42 percent of school divisions that did respond indicated that their Instructional Materials Policy does not require that parents receive advance notice prior to the use of potentially sensitive or controversial materials in the classroom.
- Mrs. Atkinson suggested adding parental notification to the section of the Standards of Accreditation that requires school divisions to provide a syllabus.
- Mrs. Wodiska indicated her support for guidelines around parent notification and timelines for notification.
- Mr. Braunlich noted alternative materials would be beneficial.
- Dr. Cannaday noted the importance of parental engagement.

The Board accepted the Report on Surveys Regarding Parental Notification Related to Controversial or Sensitive Materials, and asked the Superintendent of Public Instruction to provide a report on options regarding parental notification related to controversial or sensitive materials for the Board's consideration at the July 25, 2013, business meeting.

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

Mrs. Wodiska said she would like the issue of childhood hunger to be on the Board's agenda. Mr. Foster indicated that it will be on the Board's September agenda.

The Board met for a public dinner on Wednesday, June 26, 2013, at the Crowne Plaza Richmond Downtown with the following members present: Mrs. Atkinson, Dr. Baysal, Mr. Braunlich, Dr. Cannaday, Mrs. Edwards, Mr. Foster, Mrs. Sears, and Mrs. Wodiska. Dr. Patricia Wright, Superintendent of Public Instruction, also attended the meeting. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 8:30 p.m.

### ***EXECUTIVE SESSION***

Mrs. Beamer made a motion to go into executive session under *Virginia Code §2.2-3711(A)(41)*, to convene in a closed meeting for the purpose of discussion and consideration of records relating to denial, suspension, or revocation of teacher licenses and that Noelle Shaw-Bell legal counsel to Virginia Board of Education as well as staff members, Dr. Patricia Wright, Patty Pitts, Nancy Walsh, Mark Saunders, and Melissa Fitch whose presence will aid in the Board's consideration of this matter, participate in this closed meeting. The motion was seconded by Mrs. Edwards and carried unanimously. The Board went into Executive Session at 1:10 p.m.

Mrs. Beamer made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board reconvened at 1:25

Mr. Foster 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. Beamer and carried unanimously.

Board Roll call:

Mrs. Edwards – Yes  
Mr. Braunlich – Yes  
Mrs. Beamer – Yes  
Mr. Foster – Yes  
Dr. Cannaday – Yes  
Mrs. Sears – Yes  
Mrs. Atkinson – Yes  
Mrs. Wodiska – Yes

Dr. Baysal was not available to vote.

The Board made the following motion:

- Mrs. Beamer made a motion to revoke the license of Dannis Jerrell Jackson. 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, Mr. Foster adjourned the meeting at 1:30 p.m.

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President